

“BLUE BOOK”
RULES AND REGULATIONS
FOR THE
MANAGEMENT AND PRODUCTS
OF THE WATERS
OF THE
TOWN OF SOUTHAMPTON

At a regular meeting of the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton held at Town Hall, Hampton Road, Southampton, New York, on the 2nd day of February, 2015 the following resolution was ADOPTED.

WHEREAS, over the past year, the Board of Trustees has met, discussed and adopted various resolutions to institute policies and enact amendments to the Rules and Regulations of the trustees for the Management and Products of the Waters of the Town of Southampton; now therefore be it

RESOLVED, that the Rules and Regulations of the Trustees for the Management and Products of the Waters of the Town of Southampton are hereby amended and adopted in the form attached, effective immediately; and be it further

RESOLVED, that the attached Rules and Regulations of the Trustees for the Management and Products of the Waters of the town of Southampton be forwarded to the Town Clerk of the Town of Southampton in order to update the Southampton Town Code.

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ARTICLE I

Definitions & Notifications of Defects

A) **DEFINITIONS:** In this Ordinance, unless the context requires otherwise, the following terms shall have the meanings indicated:

“**Anchor**” shall mean a vessel secure to bottom employing an anchor which is removed from the bottom every time the vessel is underway.

“**Beach Events**” – any social activity or similar gathering proposed to be located within the Ocean Beach Area where the event is a catered event.

“**Beach Fencing**” – sand fencing that is installed solely for the collection of sand for the replenishment of the dunes.

“**Boat Vessel**” shall mean every description of watercraft or artificial contrivance used, or capable of being used, as a means of transportation on water.

“**Channel System**” shall mean the bed of a natural waterway with well defined banks presenting the evidence of the flow of tidal waters and commonly or usually traversed by watercraft, and, in addition, refers to man-made or stabilized waterways designed for the navigation of watercraft. For the purpose of Town Code Chapter 111, boat basins and bathing areas are included in the “Channel System”.

“**Commercial Purpose**” shall mean the taking of shellfish for any use or purpose other than for food consumption by the person taking or by such person’s immediate family or household.

“**Commercial User**” shall mean any person whose business involves the use of Trustees’ ramps (i.e., boat yard, dock builders, dredging). Nothing in this definition shall be deemed to include Commercial Baymen.

“**Freeholder**” shall mean any person who owns real property in the Town of Southampton, which is his or her principal place of abode and domicile, or a member of his immediate family, under nineteen (19) years of age, actually residing on said property.

“**Houseboats**” shall mean a boat, barge or other craft equipped for use primarily as a dwelling, as opposed to primarily used for transportation over the water.

“**Moor**” shall mean a vessel secured to an anchor or stake, which remains in position on the bottom while vessel is underway (mooring).

“**Non-Resident**” shall mean any person not identified as a Resident, Student Resident, Freeholder or Taxpayer.

“**Owner**” includes the person under whose name the vessel was last registered with the United States Coast Guard or within any State of the United States, if requiring a registration, and in any other case, the last known owner of person who claims lawful possession of such vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

“**Person**” shall mean a natural person whether male or female.

“**Resident**” shall mean a person who, during the period of not less than twelve (12) months immediately preceding his or her application for a permit hereunder, has had a principal place or abode and domicile in and shall have actually and continuously resided within the Town of Southampton for said twelve-month period. Notwithstanding the foregoing and solely for purposes of obtaining a commercial shellfish permit, “resident” shall mean a person who, at the time of application, therefore, has a principal place of abode and domicile within the Town of Southampton.

“**Shellfish**” shall mean oysters, escallops, hard clams, soft clams, razor clams, crabs, shrimp, all kinds of mussels, skimmer or surf clams, periwinkles, conchs, quarter-decks also known as slipper shells.

“**Student Resident**” shall mean a person duly registered in SUNY Stony Brook - Southampton and certified by the Dean of the College to have been a student for a period of at least twelve (12) months immediately preceding the date of application for a permit hereunder. Such person shall be deemed to be a resident, as defined herein. Student identification is required.

“**Taking**” shall mean the actual taking or catching, and all lesser acts such as, but not limited to, disturbing, aiding in the harvesting, or using any implement or device commonly used to take shellfish or other products of the waters, whether the result is taking or not, and includes every attempt to take.

“**Taxpayer**” shall mean a person who owns real property as shown on the assessment rolls of the Town of Southampton but is not a resident as defined herein.

“**Temporary Resident**” shall mean a person who is temporarily visiting and occupying living quarters within the Town of Southampton.

“**Tie-Up**” shall mean secure by means of rope or line to a fixed or floating object.

“**Town Waters**” shall mean all waters and lands below the mean high-water mark in any harbor, bay, pond, lake, creek or river in the Town of Southampton.

“**Trustees**” shall mean the Trustees of the Freeholders and Commonalty of the Town of Southampton.

“**Bay Beach Area**” shall mean the following:

- A) All that area, 75' in width, owned by the Freeholders and Commonalty of the Town of Southampton, known as “**Peconic Beach Road**”, bounded on the east by Sebonac Inlet, bounded on the west by the entrance of Shinnecock Canal, bounded on the north by the high-water mark of Peconic Bay. (7/14/14 mtg.)
- B) All that area, 50' in width, owned by the Freeholders and Commonalty of the Town of Southampton, known as “**Shinnecock Beach Road**”, bounded on the east side by the entrance to Old Fort Pond, bounded on the west by a point 300 feet west of Crab Road, Hampton Bays, bounded on the south by the high-water mark of Shinnecock Bay.
- C) **All that area between the high-water and low-water marks**, adjacent to Shinnecock Bay, Tiana Bay, Moriches Bay, Quantuck Bay, Mecox Bay, Sagaponack pond and all those inland creeks, bays or harbors located from the Riverhead town line to the East Hampton town line which borders the Peconic Bay system, including those areas within incorporated villages. Said areas are owned by the Freeholders and Commonalty of the Town of Southampton.

“**Ocean Beach Area**” shall mean the following:

- A) All those premises along the Atlantic Ocean bounded on the north by the crest of the primary dune,
- B) Bounded on the east by the East Hampton town line,
- C) Bounded on the south by the high-water mark of the Atlantic Ocean, and
- D) Bounded on the west by the Brookhaven town line, including those areas within incorporated villages. Said area shall be the easement held in favor of the Freeholders and Commonalty of the Town of Southampton.

B) NOTIFICATION OF DEFECTS ON TRUSTEE-OWNED ROADS AND SIDEWALKS

No civil action shall be maintained against the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton for damages or injuries to person or property sustained by reason of any trustee-owned road or sidewalk being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such trustee-owned road or sidewalk was actually given to the Board of Trustees and there was failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger, or obstruction complained of; and no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any such trustee-owned road or sidewalk unless written notice thereof, specifying the particular place, was actually given to the Board of Trustees and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

C) SEVERABILITY

If any section or subsection, paragraph, clause, phrase or provision of these regulations shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of these regulations as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

ARTICLE II

Shellfish

Section 1 – Purpose

The regulation for and control of the taking of shellfish from the waters and lands under waters in the Town of Southampton are deemed to protect the propagation of such shellfish, to preserve public peace and good order and to protect the public health and welfare.

The **GPS coordinates** of the Southampton Town / Brookhaven Town boundary line are:

Northern Point – 72 43 42.735 West & 40 48 52.948 North

Southern Point – 72 43 45.313 West & 40 46 42.747 North

There is a distance between the two points of about **2.5 miles** in the open bay. All the area west of this line is Brookhaven Town underwater land and all the area east of this line is Southampton Town under water land. (3/17/08 mtg.)

Section 2 – Who shall take shellfish?

- A.) No person shall take shellfish from town waters unless such a person:
 - 1) Is a Freeholder, a Resident, a Temporary Resident, or a Taxpayer, as defined herein.
 - 2) Has obtained a permit as prescribed by this ordinance.

- B.) Shellfish may be taken by a **Freeholder, Resident or Taxpayer** upon first applying for and obtaining a shellfish permit from the Town Trustees. There shall be no fee for such permit, and such permit shall expire on the last day of the third year after the date of issue.

- C.) Shellfish may be taken by a **Temporary Resident** upon first applying for and obtaining a Temporary Resident permit from the Southampton Town Trustees. The fee for such permit shall be Ten Dollars (\$10.00) for up to fifteen (15) days, Twenty Dollars (\$20.00) for up to thirty (30) days, or Forty Dollars (\$40.00) for up to sixty (60) days. Permits shall expire on

the date marked thereon. Temporary Residents must show a lease or a receipt for payment from a motel, hotel, rental or rooming house with date(s) showing length of stay in Southampton Town.

- D.) Shellfish may be taken for **commercial purposes** by a Freeholder or Resident over the age of sixteen (16) years upon first applying for and obtaining a Commercial Permit from the Board of Trustees. The fee for such permit shall be One Hundred Dollars (\$100.00) and shall expire on the 31st day of December in the year of issue. A Freeholder or Resident under the age of sixteen (16) years may obtain a commercial permit with **parental consent**.
- E.) **Commercial Shellfish Permits** shall only be issued to persons who have met the Trustee's eligibility requirements, all of which indicate the resident's name and a street address in the Town of Southampton.
- F.) Shellfish may be taken without obtaining a permit hereunder by one (1) **guest** of a **Residential Permittee**, if accompanied by such permittee, or by a child under the age of sixteen (16) years who is a member of the immediate family of a Freeholder, Resident or Taxpayer. A guest shall be deemed to be one (1) person with the permittee for all purposes hereunder. This subsection shall **not** apply to a Commercial Permittee.
- G.) **No person** shall take shellfish of any kind from the waters of the Town of Southampton by means of, or with the aid of, any device or implement commonly used in the art or practice of **scuba diving** or by means of, or with the aid of, any device designed to permit submergence beneath the surface of the water beyond normal capability. Such taking **is** permitted with the use of a **snorkel** device.

Section 3 – Permits

- A.) Any person qualified as set forth above may obtain a permit for taking shellfish from the waters or lands under the waters of the Town of Southampton by making an application therefore and paying the fee as set forth above.
- B.) Residential application shall be made in duplicate, in writing, in the form prescribed by the **Trustees** and shall state: (7/14/14 mtg.)
 - 1) Applicant's full name
 - 2) The applicant's residence with a street and number, if any.
 - 3) The length of the applicant's residence in the Town of Southampton.
 - 4) The applicant's age, sex, height, color of eyes and hair.
 - 5) The applicant's domicile outside the Town of Southampton, with street and number, if any.
 - 6) The applicant's real property owned in the Town of Southampton with street and number, if any.
- C.) Any permits issued hereunder shall become void if the holder ceases to be a Freeholder, Resident, Temporary Resident or Taxpayer.
- D.) Permits shall be in the form prescribed by the Trustees and shall contain matters set forth upon the application. The original application shall be filed in the Trustee's Office, and a duplicate application in the office of the Town Clerk.
- E.) Permits shall not be transferable and any person engaged in taking shellfish from the waters and lands under the waters of the Town of Southampton shall be obligated to disclose his name, address and current permit number to any enforcement officer. Failure to do so shall be presumptive evidence that such person has not obtained such permit.
- F.) The Town Clerk, or Trustees, when any permit hereunder is issued, shall deliver simultaneously to the permittee a copy of the Rules and Regulations for the Management and Products of the Waters of the Town of Southampton then in force and effect.

- G.) **Commercial Shellfish Permits** require additional information, as set forth by the Trustees, on the current application form.

Section 4 – Certified Town Waters

- A.) The taking of shellfish is restricted to such tidal and brackish bodies of water as are certified for the taking of shellfish by the Trustees and by the Department of Environmental Conservation of the State of New York.
- B.) The taking of shellfish from all fresh water bodies, within the Town is prohibited.

Section 5 – Oysters

- A.) No oysters shall be taken from the bottom of the waters of the Town of Southampton by any dredge or mechanical device operated or powered either by sail or by engine or motor.
- B.) No oysters shall be taken from the bottom or from any object affixed or appended to the bottom of the waters of the Town of Southampton between the hours of sunset and sunrise.
- C.) In Mecox Bay, oysters shall be taken only by means of hand-operated oyster tongs or an eagle-claw or scratch rake not to exceed twenty-four (24”) inches in width.

Section 6 – Escallops

- A.) Escallops may be taken with a dredge or scrape, such dredge or scrape having an opening at the mouth not to exceed thirty-six (36”) inches in width, when towed by a boat operated by mechanical power or other means, provided that such dredge or scrape is brought aboard by hand power without the use of a mechanical device, only from the bottom of the following described waters within the Town of Southampton:
- 1.) Shinnecock Bay
 - 2.) Sag Harbor Cove (Upper and Lower)
 - 3.) All of the waters from Tiana Bay westerly to the westerly boundary of the Town of Southampton at Seatuck.
- B.) No escallops shall be taken from Town waters between the hours of sunset and sunrise.
- C.) Escallops may be taken from the Town waters of the Town of Southampton during the period from the first Monday in November to March 31, both inclusive, in each year. Bay escallops shall not be taken on Sundays by use of a dredge or other device operated by power.
- D.) Only bay escallops having an annual growth line AND measuring not less than two and one-fourth (2 ¼”) inches from the middle of the hinge to the middle of the bill may be taken. Bay escallops which do not meet the requirements of this section shall be returned immediately to the waters where taken. No more than **three (3) bushels** of uncultured escallops shall be on board any boat at any time.
- E.) No escallops shall be taken from Town waters by any device when towed by a boat operated by mechanical power, except as heretofore provided in subsection A of this section.

Section 7 – Hard Clams

- A.) No clams shall be taken from Town waters between the hours of sunset and sunrise.
- B.) Hard clams measuring less than one (1”) inch in thickness shall be returned immediately to the waters of the place where taken.

- C.) No hard clams shall be taken from the bottom of the waters of the Town of Southampton by any tool, instrument or device except the common rake and tongs used and operated by hand alone.
- D.) No hard clams shall be uncovered or located by any mechanically operated or power-driven propeller or by any other mechanically operated or power-driven device or means, and no cover, whether plant life or bottom material, shall be removed by any such mechanically operated or power-driven propeller or by such other mechanically operated or power driven device or means.
- E.) Long lining hard clams by holders of a Southampton Town Commercial Shellfish Permit shall be allowed within the area of Shinnecock Bay defined below:

Starting from a point 150' due south of the terminus of Atterbury Road remaining a distance of 150' offshore to the west side of the Middle Pond inlet; thence from an oak pole on the east side of the Middle Pond inlet to an oak pole on the west side of Fort Pond inlet; thence due east to a point 150' offshore of the Shinnecock Indian Reservation; thence southerly along the shoreline of the Shinnecock Indian Reservation remaining 150' offshore to a point on the southwesterly portion of the Shinnecock Indian Reservation locally known as "Volkswagen Point", thence due south to the northern edge of the Heady Creek channel; thence generally northwesterly along the northern edge of the Heady Creek channel to its entrance in Shinnecock Bay; thence northwesterly to a point 1,000 yards due south of Atterbury Road; and then due north back to the starting point.

Equipment Restrictions: Motors not to exceed 40 HP.
No "Squat Boards" or similar devices allowed.

Special Restriction: Should either "oak pole" mentioned in the definition of the area be missing due to ice, storm or for any other reason long lining is immediately suspended between Middle Pond and Fort Pond until the missing pole (s) is (are) replaced.

Special Note: Towing of clam rakes is prohibited in ALL Town waters.

Section 8 – Soft Clams

- A.) No clams shall be taken from Town waters between the hours of sunset and sunrise.
- B.) Soft clams measuring less than one and one-half (1 ½") inches in length shall be returned immediately to the waters of the place where taken except for propagation purposes in Town waters, and this may be done only after a written permit therefore has been granted by the Town Trustees upon written application therefore, subject to the supervision of the said Trustees or a committee thereof.
- C.) Harvesting Methods: The methods for taking soft clams (mya arenaria) from Southampton Town waters shall apply as follows:
 - 1.) A resident or taxpayer who holds a valid Southampton Town resident shellfish permit may take soft clams using any of the several types of traditional devices commonly employed for the hand digging of shellfish.
 - 2.) A resident who holds a valid Southampton Town commercial shellfish permit may hand dig for soft clams or employ the harvesting technique commonly known as "churning".
- D.) Mechanical constraints:
 - 1.) The maximum size outboard engine used for "churning" shall not exceed **20 HP** as rated by the manufacturer.

- 2.) The traditional frame used to house the outboard engine shall be the only acceptable mounting device when “churning”. The frame shall be designed to keep the propeller above underlying soils during operation.

E.) Environmental protection:

- 1.) When hand digging or “churning” in areas adjacent to tidal banks, edges or beach slopes vegetated with spartina grass communities (alterniflora, patens), harvesting may not occur closer than four (4) lineal feet any point from the seaward edge of the primary emergent grass commonly known as cord grass (spartina alterniflora). Distance shall be measured from the base of the vertical bank, or edge or seaward side of a vegetated slope.
- 2.) During periods of dormancy, this rule shall be understood to mean that hand digging and “churning” methods may not occur closer than four (4) lineal feet from the seaward edge of any unvegetated bank, edge or beach slope composed in part or whole of organic bog-like materials and soils commonly associated with spartina alterniflora.
- 3.) “Churning” over or through submerged eelgrass beds is strictly prohibited.

F.) Navigation and public safety:

- 1.) The harvesting of soft clams by “churning” or hand digging is strictly prohibited along the seaward face and/or closer than fifty (50’) lineal feet from the sides of any public ramp or public access point to Southampton Town waters and other estuarine areas or within the regulatory jurisdiction of the Southampton Town Trustees.
- 2.) “Churning” closer than ten (10’) lineal feet from the lower edge of any navigable channel or passage is prohibited.

G.) Seasonal closings:

- 1.) The taking of soft clams (mya arenaria) shall be based on the establishment of a soft clam controlled harvest zone commencing each year on the first day of April and ending on the fifteenth day of May.
- 2.) In order to promote natural propagation and a sustained population of soft clams (mya arenaria) in Southampton Town waters, the following town waters are included in a controlled harvest zone and are subject to being periodically closed to the taking of soft clams:

Birch Creek	Cold Spring Pond	Davis Creek (North Sea)
Fresh Pond	Goose Creek	Hubbard Creek
Little Sebonac Creek	Mill Creek (Flanders)	Mill Creek (Noyack)
North Sea Harbor	Noyack Creek	Red Creek Pond
Sag Harbor Cove	Scallop Pond	Sebonac Creek
Squires Pond	West Neck Creek	Wooley Pond

Section 9 – Crabs

- A.) No person shall take female crabs bearing eggs visible thereon from Town waters, nor offer for sale, or possess same, within the Town of Southampton.
- B.) Crabs may be taken with a dredge, such dredge having an opening at the mouth not to exceed thirty-six (36”) inches in width, when towed by a boat operated by mechanical power or other means, provided that such dredge is brought aboard by hand power without the use of a mechanical device.

- C.) Notwithstanding any other provision of law, no person shall take blue claw crabs less than **five (5") inches** from point to point by any means from any Town waters.
- D.) A commercial permittee shall have no limit on the number of blue claw crabs he may take per day. All other permittees may take up to fifty (50) blue claw crabs per day.

Section 10 – Starfish –

If any fish and/or crustaceans are unintentionally taken, contrary to any provision thereof, they shall be returned to the water at once, without unnecessary injury. Starfish, drills, drum fish and moon snails, when taken, shall not be returned alive to the waters of the Town of Southampton.

Section 11 – Harvest Limits -

A.) Escallops

- 1.) A **commercial permittee** may take five (5) level bushels per day. Two (2) or more such persons occupying the same boat while taking escallops may take, in the aggregate, not more than ten (10) level bushels in one (1) day.
- 2.) All non-commercial permittees may take, individually, one (1) bushel per day. (7/14/14 mtg.)
- 3.) Whenever the total catch onboard a boat exceeds the authorized limit, all licensed persons on board shall be deemed in violation.

B.) All other shellfish, as defined herein, except escallops:

- 1.) **Commercial permittee:** To be determined by the Board prior to opening day. (7/14/14 mtg.)
- 2.) Non-commercial permittees may take, individually, one-half (1/2) bushel of combined shellfish, of which no more than one hundred (100) may be hard clams. (7/14/14 mtg.)
- 3.) Whenever the total catch on board a boat exceeds the authorized limit, all licensed persons on board shall be deemed in violation.

C.) Razor Clam Harvest Restrictions: (updated 03/21/10 Special mtg.)

- 1) No razor clams shall be taken from Town waters between the hours of sunset to sunrise.
- 2) Harvest methods: the methods for taking razor clams (scientific name is *Ensis directus*) from Southampton Town waters shall apply as follows:
 - a. A resident or taxpayer who holds a valid Southampton Town resident shellfish permit may take razor clams using any of the several types of traditional devices commonly employed for the hand digging of shellfish.
 - b. A resident who holds a valid Southampton Town commercial shellfish permit may dig for razor clams or employ the harvesting technique commonly known as “churning”.
- 3) Mechanical constraints:
 - a. The maximum size outboard engine used for “churning” shall not exceed 20 hp as rated by the manufacturer.
 - b. The traditional frame used to house the outboard engine shall be the only acceptable mounting device when “churning”. The frame shall be designed to keep the propeller above underlying bay bottom during operation.
- 4) Razor Clam Catch Device Restriction:
 - a. The size of catch device can be no larger than 36” overall measurement, with maximum 2” handles.

- b. The catch device is to be five-sided or paneled to be welded with no hinges, chutes or ramps attached.
- 5) Environmental Protection:
 - a. When hand digging or “churning” in areas adjacent to tidal banks, edges or beach slopes vegetated with spartina grass communities (alterniflora, patens), harvesting may not occur closer than four (4’) lineal feet any point from the seaward edge of primary emergent grass commonly known as cord grass (spartina alterniflora). Distance shall be measured from the base of the vertical bank, or edge or seaward side of a vegetated slope.
 - b. During periods of dormancy, this rule shall be understood to mean that hand digging and “churning” methods may not occur closer than four (4’) lineal feet from the seaward edge of any unvegetated bank, edge or beach slop composed in part or whole of organic bog-like materials and soils commonly associated with spartina alterniflora.
 - c. When “churning” for razor clams, a 10’ buffer from all submerged eelgrass beds must be maintained. “Churning” over or through eelgrass beds is strictly prohibited.
- 6) Navigation and Public Safety:
 - a. The harvesting of razor clams by “churning” or hand digging is strictly prohibited along the seaward face and/or closer than fifty (50’) lineal feet from the sides of any public ramp or public access point to Southampton Town waters and other estuarine areas or within the regulatory jurisdiction of the Southampton Town Trustees.
 - b. “Churning” closer than ten (10’) lineal feet from the lower edge of any navigable channel or passage is prohibited.
- 7) Seasonal Razor Clam Harvest Restrictions: (4/18/11 mtg.)
 - a. Daily limits: Days that harvest is permitted
 - i. West of the Ponquogue Bridge to close April 15th and reopen December 2nd.
 - ii. East of the Ponquogue Bridge to close May 15th and reopen September 16th.
 - iii. During open periods, harvesting will be permitted on even days.
 - iv. Daily limit of 200 lbs/man or 400 lbs/boat for Razor Clams
 - v. During closed periods, hand harvesting of Skimmer Clams will be permitted.

- D.) No person, without a commercial license issued by the Town of Southampton, shall take shellfish while in the company of, or on board a boat with a commercial permittee.

Section 12 – Enforcement and Severability

- A.) This ordinance shall be enforced by any duly constituted law enforcement agency having jurisdiction within the Town of Southampton and the Bay Constables of the Town of Southampton.
- B.) The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase thereof shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 13 – Special Authority

- A.) The Trustees are hereby authorized from time to time to modify, amend or change the method or equipment used in taking shellfish whenever, in their discretion, they deem it necessary to protect shellfish propagation or if shellfish are in short supply or their existence in Town waters is endangered, upon giving not less than three (3) days notice by causing such notice to be published on the official website of the Town Trustees and on the official website of the Town of Southampton. Such notice shall contain the modification, amendment or change in

the method or equipment used in taking shellfish and a brief explanatory statement thereof.
(1/21/15 mtg.)

- B.) The Trustees are hereby authorized from time to time to increase or decrease the limits on shellfish to be taken in one (1) day whenever, in their discretion, they deem it necessary for the protection of shellfish in Town waters, upon giving not less than three (3) days notice by causing such notice to be published on the official website of the Town Trustees and on the official website of the Town of Southampton. Such notice shall contain the limitation imposed on the number of shellfish to be taken in one (1) day and a brief explanatory statement thereof. (1/21/15 mtg.)
- C.) The Trustees are hereby authorized from time to time to set the date and the period of time for taking shellfish whenever, in their discretion, they deem in necessary for the protection and taking of shellfish in Town waters, upon giving not less than three (3) days notice by causing such notice to be published on the official website of the Town Trustees and on the official website of the Town of Southampton. Such notice shall contain the date and period of time for taking shellfish and a brief explanatory statement thereof. (1/21/15 mtg.)

Section 14 – Spawner Sanctuaries

Spawner Sanctuaries are located within the following Southampton Town waters:

North Shore:

Mill Creek
North Sea Harbor
Noyack Creek
Red Creek Pond
Sag Harbor Cove

South Shore:

Moriches Bay (west of Pickett Point)
Old Fort Pond
Quantuck Bay
Taylor Creek in Heady Creek
Weesuck Creek

Spawner Sanctuaries within Southampton Town waters are off limits to commercial and recreational shellfish harvesting. For more specific information see the map at the Southampton Trustee's office or on the website.

ARTICLE III

FRESHWATER FISH

SECTION 1 – Species – Open Season - Minimum Size – Daily Take

A.) **Species – Trout**

1) **Trout in Lakes & Ponds - Freshwater (non-tidal)**

Species - Brook, Brown, Rainbow and Splake

Open Season – All year

Minimum Size – Any size (except Wildwood Lake – 9” limit)

Daily Take – 3

2) **Trout in Streams - All Freshwater (non-tidal)**

Species – Brown & Rainbow Trout

Open season – All year

Minimum size – Any size

Daily Take – 3

Species – Brook Trout

Open season – April 1st – September 30th

Catch & Release only

B) Species – Black Bass (Small Mouth and Large Mouth)

NOTE: It is illegal to fish for Bass during the period May 1st – the Friday preceding the 1st Saturday in June.

- 1) Open Season – 1st Saturday in June through November 30th
Minimum Size – 12 inches
Daily Take – 5
- 2) Open Season – December 1st through April 30th
Catch & Release only

B.) Species – Pickerel

Open Season – 1st Saturday in May through March 15th
Minimum Size – 18 inches
Daily Take – 3

C.) Species – Bullhead, Carp, Rock Bass, White Perch, Catfish, and Suckers

Open Season – All year
Minimum Size – Any size
Daily Take – No limit

D) Species – Sunfish (Blue Gill & Pumpkinseed), Yellow Perch

Open Season – All year
Minimum Size – Any size
Daily Limit – 15

E) Species – Crappie

Open Season – All year
Minimum Size – 9”
Daily Limit - 15

SECTION 2 – Who shall take freshwater fish?

- A.) Only Residents, Freeholders and Taxpayers may take fish from bodies of freshwater in the Town of Southampton. A temporary resident or person other than a Resident, Freeholder or Taxpayer may take fish from bodies of fresh water in the Town of Southampton only when accompanied by a Guide licensed by the Trustees.

ARTICLE 111-A

ELVERS

SECTION 1 – Who shall take elvers?

Notwithstanding any other provision of law, no person shall take elvers (baby eels) by any means from any Town waters.

ARTICLE IV

SANCTUARIES

- I.) All that portion of **Quantuck Creek** lying north of Montauk Highway and extending to the Old Country Road, generally known as the **MORRIS B. PHILLIPS WILDFOWL REFUGE**, shall be, and they hereby are set aside, and reserved until further notice, for a wildfowl sanctuary and rest area. No person shall hunt, shoot, or otherwise take any wildfowl, whatsoever, within the herein described boundaries of said refuge.

II. A) All the waters within or substantially enclosed within the area, formerly known as Jessup's Neck, and now known as the ***ELIZABETH ALEXANDRA MORTON NATIONAL WILDLIFE REFUGE***, shall be and they hereby are set aside and reserved until further notice for a wildfowl sanctuary and rest area. No person shall hunt, shoot, or otherwise take any wildfowl, whatsoever, within said refuge, the area of such refuge being more particularly described as follows:

All the waters of **Noyack Creek** at the south end of said refuge, north of a straight line commencing at the west end of the junction of the easterly side of the connecting sand pit with the mainland, and running in a north-easterly direction to the southerly most tip of the easterly section of said refuge; and the waters of the land-locked pond, located in the center of the neck, approximately three-quarters of a mile south of the extreme northerly tip of said refuge.

B) Authority for enforcement of the above regulations pertaining to the ***ELIZABETH ALEXANDRA MORTON NATIONAL WILDLIFE REFUGE*** is hereby vested in the duly authorized representatives of the Federal Department of the Interior, Fish and Wildlife Service.

III. All those portions of **Weesuck Creek and of Little Weesuck Creek** lying north and west of a straight line extending on a northeasterly course from the southeast terminus of the Town Dock at Bay Avenue, East Quogue to the point of land on the property formerly of Zoë De Ropp (to be identified by a sign placed by the Trustees), shall be, and they hereby are set aside and reserved, until further notice, for a wildfowl sanctuary and rest area. No person shall hunt, shoot, or otherwise take any wildfowl, whatsoever, within the herein described boundaries of said sanctuary.

IV. All those portions of **Canoe Place Creek** lying north of a straight line extending northeasterly from the easterly terminus (dead end) of a southerly side of Bay Drive in Hampton Bays to the southerly terminus of Crab Road, Hampton Bays, shall be, and they hereby are set aside and reserved, until further notice, for a wildfowl sanctuary and rest area. No person shall hunt, shoot, or otherwise take any wildfowl, whatsoever, within the herein described boundaries of said sanctuary.

V. All that portion of **Lake Nowedonah** at Water Mill, New York; bounded on the south by Head of the Pond Road, on the east by lands now or formerly of L. Borkoski; on the north by other waters of Lake Nowedonah and comprising 12+ acres and now known as ***NOWEDONAH SANCTUARY***, shall be, and hereby are set aside and reserved, until further notice, for a wildfowl sanctuary and rest area. No person shall hunt, shoot, or otherwise take any wildlife, whatsoever, within the herein described boundaries of said sanctuary.

VI. All property at **Mill Pond Shores**, Water Mill, New York; consisting of 5.2 acres bounded on the southeast by lands of the Long Island Rail Road, on the north by lots 2 through 6 subdivision Map of Mill Pond Estates, on the north by Mill Pond Lane, shall be, and they hereby are set aside and reserved, until further notice, for a wildfowl sanctuary and rest area. No person shall hunt, shoot, or otherwise take any wildfowl, whatsoever, within the herein described boundaries of said sanctuary.

VII. All the waters of **Sag Harbor Cove, Upper Sag Harbor Cove, Lower Sag Harbor Cove, Staff Payne's Creek, and the mouth of Ligonee Brook**, shall be, and they are hereby are set aside and reserved, until further notice, for a wild fowl sanctuary and rest area. No person shall hunt, shoot, or otherwise take any wildfowl, whatsoever, within the herein described boundaries of said sanctuary.

VIII Taking of waterfowl by any means is prohibited in water of **West Quantuck Creek**, more specifically identified as that creek which enters Quantuck Creek on its westerly side approximately 500' from Montauk Highway.

IX. Taking of waterfowl by any means is prohibited in the waters of that portion of **Moriches Bay and Beaverdam Creek** extending from a line measured 500' south of the Baycrest Avenue newly constructed launching ramp extending northerly from shore to shore into Beaverdam Creek to South Road.

X. **Lake Missapogue** (also known as **Big Fresh Pond**) be and hereby is declared a wildfowl sanctuary and the taking of wildfowl by any means is prohibited.

XI. No person shall cause any disturbance to the **wildlife, habitat, nests or eggs** within a designated nesting area as recognized by the Board of Trustees.

XII. Nothing contained in this article shall be construed to apply to the taking of fish, eels, shellfish or other products of the waters by authorized persons.

XIII. No hunting shall be allowed at the north end of **Taylor Creek** off Shinnecock Bay in Southampton Village. The no hunting sanctuary at the northern end of Taylor Creek is to be bounded on the north by Boysen Street, at the south bounded on the east by the point which forms the southerly boundary or property known as SCTM#473605-012-003-005, address known as 549 Halsey Neck Lane, in the Village of Southampton, and to be bounded at the southwest by the southerly boundary known as SCTM#473605-012-003-05, address known as 500 Captains Neck Lane, in the Village of Southampton.

XIV. **Wildwood Lake** be and hereby is declared a wildfowl sanctuary and the taking of wildfowl by any means is prohibited.

ARTICLE V

GENERAL PROVISIONS

SECTION 1 – Fish Pounds, Fykes, Traps, Pots

- A.) No person shall set, draw or cast any nets or seines in any of the freshwater ponds or streams within the Town of Southampton.
- B.) No person shall cast, draw or set any net seine or other device for the purpose of taking fish from the waters of Otter Pond located in the Village of Sag Harbor.
- C.) No fish pound, fyke, trap, pot or other anchored device for the taking or keeping of shellfish, fish, eels, crabs, lobsters or conchs, shall be placed in Town waters unless duly authorized by written permission of the Trustees. Permission shall be granted only to Residents and Freeholders.
- D.) Permits issued for fish pounds, fykes, traps, pots or other anchored devices for the taking or keeping of shellfish, fish, eels, crabs, lobsters, or conchs shall be valid for one (1) year, expiring December 31st of each year.
- E.) No fish pound, fyke, trap, pot or other device as defined herein shall be set within 1,000 feet of any inlet between the Atlantic Ocean nor shall any such device be set in any channel in town waters unless that device has been placed in the location described by the GPS coordinates specified in the permit for such device. (7/14/14 mtg.)
- F.) No fish traps or pounds shall be placed in the waters of the Town of Southampton between June 30th and Labor Day in any year.
- G.) All fish traps shall have installed an operating light at the seaward end and the owner's name and permit number (Trustee) affixed under the light. The light shall be in operation from sundown to sunrise.
- H.) All pots set in Town waters shall display on the buoy or pot the permit number as assigned by the Town Trustees or the permit holder's last name.
- I.) No pot set for commercial purposes shall have more than four meshes to the inch measured horizontally or vertically.
- J.) No fish pound shall be placed closer than 500' from another.
- K.) No net shall exceed twelve hundred (1,200') in length for any single fisherman. No net shall exceed 1,800' in length for any two fishermen fishing from the same boat. No person shall retrieve a net by hydraulic or other power-operated means in Town waters. The possession of

a mechanically operated net reel on vessels engaged in fishing in Town waters shall be presumptive evidence that such person has retrieved a net in violation of this section. The foregoing shall apply to all Town waters in which nets are permitted.

SECTION 2 – Moorings

- A.) No mooring, pile or structure shall be placed in Town waters unless duly authorized by written permission of the Town Trustees. Permission shall be granted only to Residents, Taxpayers, Freeholders and Temporary Residents. Permits for the installation of a mooring, pile or structure shall be granted to governmental authorities at the discretion of the Trustees.
- B.) All permits issued for boat moorings are issued under the supervision of the Bay Constables and are good only for the person to whom issued and for the boat described on the permit. The permit number must be placed on the mooring.
- C.) Fees for moorings are as follows:
1. **General moorings:**
Residents, Taxpayers: \$200.00/mooring for a three-year permit
Temporary Resident: \$200.00/mooring for a one-year permit
Commercial/Aquaculture (Resident Only) \$250.00/mooring for a one-year permit (see below #P)
2. **PWC float moorings:**
Residents, Taxpayers: \$250.00/mooring for a three-year permit
Temporary Resident: \$250.00/mooring for a one-year permit
- D.) Moorings must be removed in the winter months. Any moorings not removed by December 1st may be removed by or at the directions of the Trustees or any duly authorized officer or agent thereof or by a Bay Constable or the Town, at the expense of the owner or person in charge of said mooring. The fee for removal and impounding is Two Hundred-Fifty Dollars (\$250.00).
- E.) Moorings must not be installed prior to April 1st unless special written permission has been obtained in writing from the Bay Constables.
- F.) No iron posts, engine blocks, cement blocks, etc., are allowed. Mooring must be either wooden stakes or a mushroom anchor of a weight prescribed by the Bay Constable.
- G.) No mooring shall be issued for any vessel in excess of 26’ on any creek, pond, bay or harbor on Peconic Bay Estuary, except in special cases allowed by the Trustees for an aquaculture vessel.
- H.) In congested areas, (i.e. Red Creek, Mill Creek, Noyack Creek and Wooley Pond), if mooring(s) is (are) not in and used by July 4th weekend, the mooring permit will be canceled at the discretion of the Town Trustees.
- I.) Any person who has had their mooring permit revoked or canceled pursuant to Trustee regulations shall not be allowed to place their name or the name of any other person occupying the same residence on the waiting list for any of the “wait list areas” for three (3) years following said revocation. (8/17/09 mtg.)
- J.) Only **one** (1) mooring permit will be issued per household for moorings in “wait list areas”. This will not prohibit permit holders from keeping a second smaller tender or dinghy on a stake mooring adjacent to the beach area for the sole purpose of accessing their primary mooring. (08/17/09 mtg.)
- K.) If said permit is canceled, and/or revoked by the Town Trustees, the fees paid are not refundable.
- L.) Wooley Pond stake moorings installed and maintained by the Little Peconic Yacht Club are also subject to the following additional regulations:

- 1) Residents only – These six (6) stake moorings will only be available to resident/taxpayers who are also members of the LPYC. Proof of residency and LPYC membership is required.
 - 2) Each applicant must submit their own application, in their own name, along with proof of residency and boat registration. The regular mooring application fee shall apply.
 - 3) Due to the limited number of stake moorings, only one stake mooring per residential property, which includes corporations with multiple owners, such as LLC's. Additional owners may apply for a regular mushroom anchor-mooring permit.
 - 4) Boats on pole (stake) moorings shall be limited in size to 23' and under, due to shallow water.
- M) Novack Creek stake moorings, at the foot of Maple Lane, are also subject to the following additional regulations: (01/05/09 mtg.)
- 1) Residents only – Stake moorings will be available to resident/taxpayers only. Proof of residency is required.
 - 2) Each applicant must submit their own application, in their own name, along with proof of residency and boat registration. The regular mooring application fee shall apply.
 - 3) Stake size is limited to 4" x 4" maximum, untreated lumber only.
 - 4) Maximum number of stakes is set at seven (7).
 - 5) Due to the limited number of stake moorings, only one stake mooring per residential property, which includes corporations with multiple owners, such as LLC's. Additional owners may apply for a regular mushroom anchor-mooring permit.
 - 6) Boats on pole (stake) moorings shall be limited in size to 16' and under, due to shallow water.
- N) Any mooring permit holder in any of the "wait list areas" is required to notify the Bay Constable if their vessel is not placed on their mooring as required by paragraph "H" of if their vessel is removed from the mooring prior to Labor Day. Reasons given for such non-placement or early removal will be considered by the Trustees, who may cancel said permit at their discretion. Failure to make the above described notification shall be grounds for permit cancelation.
- O) The following rules apply to personal water craft float moorings:
- 1) There shall be one (1) personal water craft per mooring.
 - 2) There shall be only one (1) p.w.c. per personal water craft float. No multiple personal water craft floats allowed.
 - 3) Personal water craft floats shall be stabilized like any other mooring, with one (1) single mushroom anchor, which shall be deemed adequate by the Bay Constable. (The use of piles/poles/pipes is **NOT** allowed.)
 - 4) Personal water craft floats must be equipped with a hand-crank winch to pull the personal water craft up onto the float.
 - 5) Personal water craft floats are limited in size to 6' x 14' maximum.
 - 6) Mooring permit number must be displayed on float utilizing contrasting numbers and letters. (3/03/08 mtg.)
- P) The following rules apply Commercial/Aquaculture moorings (Residents only) (3/01/10 mtg.)
- 1) No mooring, spile or structure shall be placed in town waters unless duly authorized by written permission of the Trustees. Permission shall be granted only to Residents, Taxpayers, Freeholders and Temporary Residents. Permits for the installation of a mooring, spile or structure shall be granted to governmental authorities at the discretion of the Trustees.
 - 2) All permits issued for boat moorings are issued under the supervision of the Bay Constables and are good only for the person to whom issued and for the boat described on the permit. The permit number must be placed on the mooring.
 - 3) Fees for Moorings-Commercial Aquaculture: Two Hundred Fifty Dollars (\$250.00).
 - 4) Mooring must be a mushroom anchor of a weight prescribed by the Bay Constables.
 - 5) No Commercial/Aquaculture mooring shall be issued for any vessel in excess of 40' maximum.

- 6) If at anytime the mooring and vessels become an issue, the Town Trustees reserve the right to revoke the mooring permit.
- 7) If said permit is cancelled, and/or revoked by Town Trustees, the fees paid are not refundable.
- 8) There shall be no aquaculture activities in Cold Spring Pond on Sundays between Memorial Day and Labor Day of each year...including the repairing of aquaculture vessels. (8/16/10 mtg.)

SECTION 3 – Trawls, Seines, Nets, Dredges

- A.) No person shall by the use of any trawl, scoop, net or similar device, while the same is attached or fastened in any manner to any boat, float or device, pull, drag, shove, or move in any manner so as to disturb, scrape or move any lands or the surface of any lands under any of the waters of the Town of Southampton. This regulation shall apply whether or not any mechanical power is actually employed to move any such trawl, scoop or net.
- B.) Nothing contained in paragraph “A” shall be construed to apply to (1) a bonafide dredging service while engaged in any work duly authorized by Permit from the Trustees, (2) to any bonafide haul seine not in excess of 1,250 feet in length, (3) the taking of eels by a mechanically operated eel spear commonly known as an eel dredge.
- C.) No person other than a Resident, Freeholder or Taxpayer shall pull, drag, shove or move any device in such a manner so as to disturb any lands and the surface thereof under the waters of the Town of Southampton.

SECTION 4 – Waterfowl Hunting

- A.) No person, other than a Resident, Freeholder or Taxpayer of the Town of Southampton shall place any decoys, nor anchor any boat, nor occupy float or device anchored or placed in the waters of the Town of Southampton for the purpose of shooting any wildfowl or game, unless such person is accompanied by a guide duly licensed by the Trustees.
 - 1) Any resident engaged as a guide for hire shall be required to register with the Town Trustees and shall be required to purchase a commercial guide license for \$100, valid for a period of three years from the date of purchase; non commercial guide licenses shall be available for Resident, Freeholder or Taxpayers at no-charge. (10/20/14 mtg.)
- B.) The following duck blind/waterfowl hunting rules and regulations shall be adhered to:
 - 1) A 3-year permit is required for the installation of a duck blind or similar structure or to secure a hunting location. (A duck blind is defined as a device constructed or used for the purposes of waterfowl hunting, floating or otherwise.)
 - 2) The permit will be free of charge and issued to Residents, Taxpayers or Freeholders only!
 - 3) Permit Requirements: Name, Address, Phone number, Location and Type of blind. The applicant must submit Proof of Residency and a copy of their current, valid NYS Hunting License, with the current signed duck stamp. Permit holders must submit a copy of their current NYS Hunting license with a current signed duck stamp to the Trustees office no later than December 31st of each year, or face revocation of their permit. (10-20-14 mtg.)
 - 4) Upon notification to the Board of Trustees, the permit can be transferred but the spot/location cannot be sold.
 - 5) The number of permits issued to a new single applicant will be two. (10-20-14 mtg.)
 - 6) Landowner and resident immediate family members having 250 feet of frontage on Town waters will have non-transferable preference over other hunters for blind placement. Absent extenuating circumstances, the property owner must hunt in the blind or the permit will be revoked. Property owners will not be permitted to place blinds for purposes of shutting down

areas of traditional hunting, nor will they be allowed to obtain the permit for benefit of a third party. The determination of whether or not extenuating circumstances exist shall be made by the Board of Trustees at a regularly scheduled meeting of the board, on notice to the permit holder for the purposes of presenting evidence in support of his or her claim. (9-15-14 mtg.)

- 7) All permitted duck blinds located in township waters shall be in place, “grassed” and ready to hunt by December 31st of each year. Any blind not in place or in place but not in a hunt ready condition by that date shall be deemed to have been vacated, its permit subject to revocation and the blind subject to impound by the Bay Constables. All blinds must be removed from Mecox Bay, not including tributaries, between April 1st and October 1st. (9-15-14 mtg.)
- 8) The applicant will request a blind location through the application, which will be approved or disapproved by the Board of Trustees under the recommendation of the Bay Constables. Any proposed changes must be submitted by the permit holder through a detailed statement that is signed and notarized. (10/20/14 mtg.)
- 9) Appeals for blind location and any other applicable section can be submitted to the Board of Trustees by the proposing hunter, adjacent hunter, or other concerned parties including property owners.
- 10) Each location/blind must be hunted at least once a season. (9-15-14 mtg.)
- 11) Movement of any blind must be to an approved location, with permittee’s permission, or to a “transient area”. (Transient areas” will be open areas in both Shinnecock and Moriches Bays located at least 2000 feet from the nearest shoreline and a safe distance from any other hunter using the area on the same day. “Transient areas” use will be on a “First come, first served” basis.
- 12) The Bay Constables will have the authority to impound any floating blind, shore blind, duck boat or any other device utilized in the hunting of water fowl found not to be in compliance with any of the regulations at the owner’s expense. There shall be a minimum impound fee of \$250.00 plus the cost of any specialized equipment used to remove the property from the area before the property may be returned to the owner. (9-15-14 mtg.)
- 13) Shore blinds will not be exempt from regulations. There shall be no destruction or damage to wetlands when installing shore blinds. Landowner permission is required for all shore blinds.
- 14) Stake blinds will only be permitted in fresh water bodies. Materials used will comply with current Trustee rules and regulations for freshwater bodies, i.e., no CCA or ACQ wood, only natural and non-treated materials will be acceptable.
- 15) Each blind will be located a minimum of 500 feet from adjacent blinds in direction of firing lines. This does not imply that blinds will necessarily be allowed every 500 feet in every body of water in the Town. Traditional distances between blinds in any given body of water will be maintained as much as possible.
- 16) Each blind will display two placards bearing the blind’s permit number in numerals that shall be a minimum 3”. One placard will be located on the back exterior of the blind, and the other on the interior. Hunters in “transient areas” will not be required to display permit numbers. (9-15-14 mtg.)
- 17) The Board of Trustees will map all blind locations and make this information available for any hunter or concerned party.
- 18) The Board of Trustees reserves the right to modify any provision of this policy on a case-by-case basis.

- 19) All blinds located in any freshwater lakes, ponds or related water bodies shall be prohibited from using phragmites and/or phragmites cuttings for dressing camouflage or related covering of said blind.
- 20) No duck blind shall be stored on any meadow or wetland or cause destruction of any wetland vegetation.
- 21) The distribution of any type of food substance along the shoreline or in the water of Southampton Town Trustee's-owned bottomland, both salt and freshwater, that might attract migratory waterfowl is strictly prohibited from ten (10) days prior to the opening of migratory waterfowl season until the official close of the season. The only exceptions to this regulation are municipal parks and established sanctuaries, where residents go to feed the wildfowl year round. (10/06/08 mtg.)
- 22) Only hunter/applicants who have NO existing Waterfowl Hunting Location permits in their name and who have NO family members living at the same residence holding current Waterfowl Hunting Location permits, shall be allowed to place their name on the Waterfowl Hunting Location Waiting List. (11/16/09 mtg.)
- 23) Only one (1) person per household shall be allowed to place their name on the Waterfowl Hunting Location Waiting List. (11/16/09 mtg.)
- 24) In Mecox Bay, during the Federal "Open Days" there shall be no shellfish harvesting or operations taking place until after 8:30 a.m. each morning. (8/16/10 mtg.)
- 25) If a previously unknown location for a blind that is discovered by a person on the duck blind wait list or by a person with one registered location, and that newly found location is deemed to be a suitable area for a blind, then the person finding the location shall be entitled to claim and register the location. In the event the location is claimed, then the person claiming it shall either be removed from the waitlist or be registered as having permits for the maximum number of areas allowed. (9-15-14 mtg.)
- 26) Registrants holding permits for duck boat locations or floating duck blinds used at multiple locations are required to arrange visual inspection of their location(s) by the Bay Constable. Registrants are required to be present for the inspection, and are requested to call the Bay Constables at 631-702-2268 for the purpose of scheduling the inspection. Failure to do so may result in the impounding of any structures at the location and revocation of their spot. (10-20-14 mtg.)
- 27) Permit Holders are required to keep their structures and areas in good conditions at all times. Allowing a location or structure to become derelict, or failing to police and remove debris may subject the permit to forfeiture and/or the structure(s) to impound. (9-15-14 mtg.)

Per Rule#16 – Place placard with 3" permit numbers/letters on the rear of your blind. Display this placard year round. Use contrasting colors and weatherproof materials.

Example: 09MX-01

SECTION 5 – Eel Dredges

- A.) No eels, fluke, flounders or fish shall be taken from the bottom of, or caught from the Town waters by the so-called eel dredge, or any mechanical device operated either by sail or power gas engine, or electric motor, between April 1st and November 1st, both inclusive, in each year. During the permitted season, the taking of eels, fluke, flounder, or fish by said devices shall be restricted to Residents, Freeholders and Taxpayers.

SECTION 6 – Derelicts, Deteriorated Construction

- A.) No person shall abandon any vessel in any of the waters of the Town of Southampton.
- B.) Any abandoned vessel shall be removed by the Trustees at the expense of the owners and shall be destroyed, or sold to defray any expenses in connection with the removal or salvage of any abandoned vessel; the term “abandoned vessel”, as herein used, shall mean any boat or floating structure, whether seaworthy or wrecked, which shall be left anchored or unattended in the waters of the Town of Southampton for a period of thirty (30) days. (7/14/14 mtg.)
- C.) Any deteriorated docks, bulkheading or pilings shall be removed by the Trustees, at the expense of the owners.
- D.) The term “abandoned vessel”, as herein used, shall mean any boat or floating structure, whether seaworthy or wrecked, which shall be left anchored or unattended in the waters of the Town of Southampton for a period of thirty (30) days.
- E.) Notice of intention to remove or dispose of any abandoned vessel, deteriorated dock, bulkheading or pilings shall be given by mail to any known or reputed owner, at the last known address of said owner, and by publishing a notice of intention to remove and dispose of any abandoned vessel, deteriorated dock, bulkheading or pilings, in at least one newspaper published in the Town of Southampton, at least ten (10) days in advance of such removal and disposition. (7/14/14 mtg.)
- F.) At their option, the Trustees may elect to recover the costs of removal for any vessel, dock, bulkhead, piling by filing suit in a court of competent jurisdiction, or by submitting a bill for the costs to the Receiver of Taxes of the Town of Southampton for inclusion on and collection by the payment of real property taxes on any parcel owned by the vessel or structure’s last known owner of record. (7/14/14 mtg.)

SECTION 7 – Bays and Ponds

- A.) No person shall make an application for a permit to dam, open up or drain in any manner whatsoever any of the bays, ponds or streams within the boundaries of the Town of Southampton unless in possession of a permit to perform that specific activity issued by the New York State Department of Environmental Conservation. (7/14/14 mtg.)
- B.) The use of internal combustion engines for the propulsion of watercraft on freshwater ponds and streams in the Town of Southampton is prohibited.

SECTION 8 – Trustee Docks and Commercial Fishing Basin @ Road H

- A.) No dock or basin, owned, controlled or operated by the Trustees, shall be used by persons other than Residents, Freeholders and Taxpayers of the Town of Southampton.
- B.) No person shall dock, tie up, moor or anchor any boat or floating structure whatsoever, to or within 50 feet of any dock owned, controlled or operated by the Trustees for a longer period than two (2) hours, in any twenty-four (24) hour period, EXCEPT for the purpose of making necessary repairs to machinery, or hull, for the purpose of rendering such boat or structure seaworthy, to permit the same to proceed to a place of permanent repairs, the period allowed for such repairs not to exceed five (5) days. Nothing in this paragraph B shall be construed to apply to the following:
 - 1.) Bay Avenue basin, Eastport
 - 2.) Baycrest Avenue dock, Westhampton
 - 3.) Old Fort Pond dock in Shinnecock Hills
 - 4.) Speonk-Shore Road basin, Remsenburg
 - 5.) Trustees Commercial Fishing Basin at Road H, Hampton Bays

- C.) No person shall place any obstructions, or place, pile or store any nets, boxes, bait cars of fishing equipment, or any gear, whatsoever, upon any dock, wharf, pier or highway owned, controlled or operated by the Trustees.
- D.) No person(s) shall operate or park any vehicle whose gross weight is in excess of 10,000 lbs, upon any dock, wharf, pier or ramp maintained at the expense of the Town of Southampton or Board of Trustees, except for emergency vehicles.
- E.) The following rules shall apply to the use of the following **Trustee docking facilities**:

- 1) **Eastport dock and basin** at Bay Avenue, Eastport
- 2) **Baycrest Avenue dock and canal** at Baycrest Avenue, Westhampton
- 3) **Old Fort Pond dock**, Little Neck Road, Shinnecock Hills, and
- 4) **Speonk Shore boat basin**, Shore Road, Remsenburg:

- a) Every vessel, motorized or not, moored, anchored or tied up at these facilities must be currently registered with the New York State Department of Motor Vehicles to a Southampton Town Resident, Freeholder or Taxpayer. Said Resident, Freeholder or Taxpayer must be the principal operator of said vessel. Every vessel must properly display the assigned New York State registration number and current New York State validation sticker.
- b) No vessel shall be offered for sale at any of these facilities at any time.
- c) Overnighting, defined as the occupancy or use of, or remaining aboard any vessel for more than one-half of the time period between sunset and sunrise in any twenty-four hour period, aboard any vessel moored, anchored or tied up at any of these facilities is strictly prohibited. Sleeping aboard any vessel is strictly prohibited at all times.
- d) Parties, barbecues, fires or the consumption of alcoholic beverages on board any vessel while it is moored, anchored or tied up at any of these facilities is strictly prohibited.
- e) No vessel in excess of twenty-six (26') feet overall length shall be moored, anchored, or tied up at any of these facilities.
- f) Every vessel moored, anchored or tied up at any of these facilities shall be assigned a slip or location by lottery to be held at the first Trustee meeting in March of each year. In the event that the Trustees receive more applications for a given facility than allotable space, then the Trustees shall establish a waiting list for that facility.
- g) Each Freeholder, Taxpayer, or Resident shall be limited to submitting only one application for only one vessel registered to him or her. Multiple applications for the same vessel, under different names, or any other willful attempt to manipulate this lottery will result in disqualification and forfeiture of entry into the lottery for a period of five (5) years.
- h) Slip/location rentals shall be from April 15th through November 15th of each calendar year at a per-foot rate established by the Trustees. There shall be no fee imposed for vessels moored, anchored or tied up at any of these facilities between December 1st and April 14th of two successive calendar years. (2/2/15 mtg.)
- i) Sub-leasing of slips/locations is strictly prohibited. Any person who ceases to use his or her assigned slip/location shall notify the Trustees who will then lease the slip/location to the next eligible owner on the established waiting list, if one exists for the facility in question. There shall be no refund to the original lessee; however, any vessel owner assigned a slip/location from an established waiting list shall be permitted to pay a pro-rated fee as determined by the Trustees.

Slip/location assignments are valid only for the vessel indicated on the Trustee application. Owners may exchange vessels during the course of a season only after notification to, and approval from, the Trustees.

j) During the period from April 15th through November 30th the owner of every vessel moored, anchored or tied up at any of these facilities must have received a permit from the Trustees and prominently display the sticker issued by the Trustees at or behind the New York State registration numbers on the left side of the vessel's hull. Said sticker shall be issued by the Trustees upon receiving full payment for slip/location rentals.

k) In the case of the Eastport Dock and Basin and Old Fort Pond Dock, seasonal (April through November) slips/locations will only be available after the tie-off poles have solidly set as determined by the Bay Constable each spring. The Trustees will make every attempt to have these tie-off poles in place prior to April 15th of each year. The Bay Constable may order the owner or person in charge of any vessel or other floating device moored, anchored or tied up during the off-season (December 1st through April 14th) to remove it at any time prior to April 14th to allow Trustee personnel space and time to install seasonal tie-off poles. The owner or person in charge of said vessel or other floating device shall be allowed no more than three days from the time of said order to comply with same.

l) No floating docks, duck blinds, eel cars, bait cars or unregistered floating devices shall be moored, anchored or tied up at any of these facilities at any time between April 15th and November 30th of each calendar year.

m) Any vessel or other floating device moored, anchored or tied up at any of the aforementioned facilities at any time of the year shall be maintained in a seaworthy manner as determined by the Senior Bay Constable. It shall be the responsibility of every vessel owner or person in charge of any vessel to prevent the accumulations of water in it and to make every reasonable attempt to prevent the possibility of sinking.

n) Any vessel or other item found in contradiction of any of the preceding paragraphs 1 through 13 may be removed by, or at the directions of, the Trustees or any duly authorized officer or agent thereof or member of the Town Police or Bay Constable of the Town. Impound fees as described in 111-15B of the Code of the Town of Southampton shall be imposed for all vessels. An impound fee not to exceed \$100.00 shall be imposed on any non-vessel items.

F) The following rules shall apply at the **Trustees Commercial Basin at Road H:**

1.) Boat Ownership

A) All vessels must be owned by a resident, freeholder, or taxpayer and must continue to be owned by the permit holder, partnership or corporation for the annual duration of the permit subject to the provisions of Paragraph III (Transfers) herein.

2.) Sales, Transfers, Vessel Sinkings

A) Permit holders agree to notify the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton ("Board of Trustees") in writing if they enter into a contract to sell, sell outright, or lose their vessel due to sinking.

B) Where a permit holder sells the vessel for which a permit was issued or otherwise loses the vessel due to accident, the slip shall not be deemed vacant if the permit holder provides written notification and a valid contract that another vessel will be acquired. The new vessel, however, must be of the same general size classification as the previous in order to fit the slip.

C) The permit holder shall have up to one year from the date of sale, or the sinking of the old vessel, to obtain a new vessel or give up the slip. The Board of Trustees reserves the right to assign said slip during the vacancy on a temporary basis to the next vessel in line for the slip. If no vessel will take the slip temporarily, then the permit holder shall be responsible for paying the appropriate dock fee in order to reserve the slip.

D) Vessels using a temporary vacant slip do not jeopardize its place on any waiting lists for the next available slip.

3.) Transfer to Immediate Family

A) The permit holder shall be permitted to transfer ownership of the vessel to immediate family members and still keep the dockage permit. Immediate family shall be known for these purposes as husband, wife, son, daughter, grandson, granddaughter, father or mother. In addition, a permit holder may be permitted to transfer a vessel's title to a corporation or partnership without loss of the slip, provided said corporation or partnership is wholly owned or composed of by the original permit holder or members of his immediate family.

B) A transfer of partnership interest or shares of stock to a person not an immediate family member shall constitute a prohibited transfer of ownership under these rules and regulations.

4.) Homeport

A) To be eligible for renewal of a slip, the applicant shall utilize the Town Trustee Commercial Fishing Basin at Road H slip as his Homeport of operations. "Homeport" shall be defined for these purposes as the location where the vessel is based more than six (6) months per year.

B) The Board of Trustees shall be permitted to review all pertinent records of the applicant to determine Homeport of the vessel should the Bay Constable's records show that the vessel has not been regularly using the facility.

C) The Board of Trustees shall have the authority to waive or vary the 6-month requirement upon showing extenuating circumstances or hardship.

D) In the event an applicant fails to comply with the foregoing paragraph, either by not docking for 6 or more months or by not producing documents at the request of the Board of Trustees, then the Board of Trustees shall have the right to revoke the applicant's slip permit.

5.) Permit Fees

A) Permit fees for slips shall be made payable to the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton on or before the first day of January by cash, certified check or money order, made payable to the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton.

B) Permit holders may pay their permit fees in no more than three (3) installments in accordance with a schedule acceptable to the Board of Trustees. Any late payments shall also be accompanied by a \$100.00 late fee.

C) The dockage fee shall be \$60.00 per foot measured from the farthest point on the bow, to the farthest point on the stern and shall be increased accordingly at the time that metered electrical connections are provided by the Board of Trustees for each vessel. However, each permit holder shall be responsible for setting up separate individual accounts with LIPA for the use of electricity. Permit holders found using power from any other electrical hook-up other than the one assigned to them risk revocation of their permit. (LIPA forms included.)

D) It shall be the responsibility of the applicant to accurately provide the actual dimensions of his vessel.

E) The Town reserves the right to change the permit fees at the time of renewal provided at least thirty (30)-days written notice to the address listed by the applicant on the Docking Permit Application.

F) One half (1/2) of the permit fee may be refunded to the vessel owner should the vessel vacate the slip during the first half of the permit duration. No refunds will be given for vessels vacating slips during the second half of the year. All refund requests must be made in writing.

6.) Insurance

A) The Board of Trustees shall not be liable for any damage to property of the permit holder or his/her employees nor for the loss or damage to any property of permit holder or his/her employees by theft or otherwise, nor for any injury or damage to persons or property resulting from any cause whatsoever.

B) The permit holder agrees to maintain, at his/her sole expense, Hull/Liability Insurance at \$500,000.00 in favor of the Board of Trustees, against claims for bodily injury or death or property damage, specifically sinking, occurring in or upon the marina. Such insurance shall be in effect from the date the permit holder enters into this agreement. The permit holder agrees to release and discharge the Board of Trustees from any and all responsibility or liability for injury (including death), loss, or damage to persons or property in connection with the Board of Trustees' docking facility or marina. This release and discharge shall cover, without limitation, any loss or damage resulting from the Town or Board of Trustees' employees parking, vandalism, theft, fire, hail, high/low tides, wind, collision, ice, rain or any other act of God.

C) The permit holder shall indemnify and hold harmless the Board of Trustees against and from all liabilities, obligations, damages, penalties, claims, costs and expenses for which the Board of Trustees shall not be reimbursed by insurance, including, but not limited to, reasonable attorney fees paid, suffered or incurred as a result of any breach by the permit holder, his/her agents, contractors, employees, invitees or licensees. In case any action or proceeding is brought against the Board of Trustees by reason of any such claim, the permit holder shall, upon written notice from the Board of Trustees, and at the permit holder's expense, resist or defend such action or proceeding by counsel approved by the Board of Trustees in writing; such approval not to be unreasonably withheld.

D) The permit holder agrees not to hold the Board of Trustees liable for any loss caused by any delay in launching, transporting or commissioning caused by weather or any other event beyond the control of the Board of Trustees.

7.) Slip Assignments

A) Assigned slips shall be used only by the assigned vessel and shall not be sublet, assigned or transferred to any other party except as listed in Paragraph II.

B) Specific assignments of slips to permit holders will be determined by the Board of Trustees. The major criteria for slip assignments shall be length, draft and breadth of the vessel in order that it will fit in the slip and not damage the pilings or be a hazard to other vessels.

C) Should a slip become available, remaining slip holders within the same size classifications, upon written request, may transfer to the available slip – subject to the approval of the Board of Trustees. If this transfer should preclude the next person on the waiting list from being accommodated a slip, it shall be denied. Should there be more than one remaining slip holder in the same size classification desiring to transfer to an available slip; the slip shall be allocated based on a lottery established by the Board of Trustees.

8.) Equipment Storage

Storage of equipment is **not** allowed at this facility. The Board of Trustees shall have the authority to confiscate and remove any equipment stored or abandoned at this facility. Should continued disposal be needed, the cost of disposal shall be reflected in the dock fees next year for all slip holders. Bait, waste oil, garbage and flammable liquids are prohibited from storage areas or on the docks. (1/07/08 mtg.)

9.) Damage to the Facility

A) Any damage done by the permit holder, his crew or vessel to any part of the facility or to another vessel shall be reported to the Bay Constable or the Board of Trustees at once. Individual vessel owners may be held responsible for repairs needed due to negligence. Permit holders are prohibited from modifying any part of the facility or equipment provided by the Board of Trustees without the written consent of the Board of Trustees.

10.) Alcoholic Beverages

A) The use/consumption of alcoholic beverages and illegal drugs is prohibited at the Town Trustee Commercial Fishing Basin at Road H. Violators will be prosecuted.

11.) Term of Permit / Renewal of Slips

A) Slip permits shall be valid for one calendar year so long as the applicant is operating the commercial fishing vessel listed on the permits and complies with all Rules & Regulations relating to the operation of the fishing pier. In order to renew the permit, the applicant must completely fill out the proper registration form and return it to the Board of Trustees on or before December 31st.

12.) The following information must accompany the renewal application:

- A) The original/current certificate of documentation.
- B) The required application fee.
- C) Certificate of Insurance.

13.) Suspension / Revocation of Dock Slip

A) The Board of Trustees shall have the right to inspect any documents, etc. needed to verify compliance with any or all sections of these rules and guidelines. Further, the Board of Trustees may revoke or suspend a permit for any reason upon ten (10) days written notice to the address listed by the applicant on the Docking Permit Application.

14.) Waitlist

A) Should the facility be full, applicants who meet the eligibility requirements noted below will be placed on a waiting list. This list will be maintained by date of application and size category of the vessel. Smaller vessels may be assigned larger slips until a small slip becomes available.

SECTION 9 – Living on Watercraft

A) No person owning, chartering, operating or occupying a watercraft shall use it for living or sleeping purposes while moored in or upon town waters, or at any dock or marina, for more than four (4) consecutive days. The term “WATERCRAFT” shall mean any contrivance primarily used for transportation over water, whether or not capable of self-propulsion.

B) For the purpose of this subsection, “HOUSEBOAT” shall mean a boat, barge or other craft equipped for use primarily as a dwelling as opposed to primarily used for transportation over the water. No person, corporation, firm, association, organization, owner or agent shall moor or anchor any

houseboat within the waters of the town of Southampton without first obtaining a permit from the Town Trustees; the permit shall be valid for seventy-two (72) hours, the fee therefore shall be twenty-five (\$25.00) dollars.

SECTION 10 – Trapping

A) No person other than a Resident or Freeholder of the Town of Southampton shall place a trap, of any kind or description or any stake or device for the purpose of securing a trap, in the waters of the Town of Southampton for the purpose of taking fur-bearing animals.

SECTION 11 – Removal of Beach Grass

A) No person shall remove any grass or natural growth, whatsoever, poison ivy the only exception, from lands or property in this Town located on the ocean strand, between the ocean and any bay, canal, or inland body of water; nor any lands, within two hundred (200) feet of the north line of ocean beach in any portion of the Town, which has no separation from the mainland by bay, canal or inland water, without prior written approval by the Director of Natural Resources of the Town of Southampton, subject to final approval by the Town Trustees.

B) No person shall remove, impair, damage or destroy any beach grasses or wetlands vegetation of any kind nor place any spoil, thereon, or any other area of the Town of Southampton without prior written approval by the Director of Natural Resources of the Town of Southampton and the Board of Trustees.

ARTICLE VI

Guides

SECTION 1 – Guides

A) The Trustees, for the purpose of administering their regulations with respect to licensing guides, do hereby establish the following qualifications for such Guides:

- 1) Applicant shall be a citizen of the United States and an actual continuous resident of the Town of Southampton for not less than one (1) year immediately preceding appointment.
- 2) Applicant must provide proof of residency and a copy of their NYS Sporting License for hunting/fishing upon application submission.
- 3) Applicant must not be less than eighteen (18) years of age.
- 4) Applicant shall establish that he is fully acquainted with the following:
 - a) All migratory bird laws and/or fresh water fishing laws
 - b) The conservation acts of all governmental authorities having jurisdiction,
 - c) Applicant is familiar with the waters of the Town of Southampton
 - d) Applicant is familiar with the rules set in place by the Trustees
 - e) Applicant will comply with all the foregoing laws and conservation acts and all the Rules and Regulations of the Trustees.
- B) No person shall act as Guide until duly licensed by the Trustees after qualifying under the requirements set forth in paragraph A hereof. Upon such qualifications, a Guide's License may be issued by any Trustee, or Clerk of the Trustees, on the authority of any Trustee. There shall be a fee of one hundred (\$100.00) dollars for such permit and said permit shall be valid for three (3) years. Said permit shall expire on the last day of the third year.
- C) Any person who shall act as Guide unless duly licensed by the Trustees shall be liable for a penalty of one hundred (\$100.00) dollars, to be recovered in civil action; and each and every violation for which a separate penalty of one hundred (\$100.00) dollars may be recovered in the same action. Nothing herein contained shall prevent, impair or deny the maintenance of any action or proceeding to compel compliance with or restrain by injunction any violation of these Rules and Regulations.

ARTICLE VII

Dredging, Docks, Bulkheading and Channels

SECTION 1 – Permits required

A) No person shall engage in any of the following activities in Town waters or the bottoms of the Town waters or the bay beach area or ocean beach area as defined herein unless authorized by a permit issued by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton:

- 1) Clear, dig, dredge or in any way add to, alter or remove any material;
- 2) Place or deposit, or permit to be placed or deposited, any debris, fill, sand, gravel, artificial beach nourishment or other material, including vegetation, rocks, sand fencing and rip-rap;
- 3) Erect, construct, reconstruct, alter, enlarge, drive or place any structure, including a dock, pile, tie-off poles, moorings, or other obstruction, or bulkhead, jetty, retaining wall, groin, revetment, rip-rap, ramp, catwalk, walkway, stairs, sand fencing or any structure constructed for the purpose of providing access to and from the shoreline;
- 4) Clear, dig, dredge any channel or basin, or in any way alter any upland area to afford access to Town waters;
- 5) Drain or discharge any pollutant or effluent, including solid and chemical wastes, sewage and swimming pool waters; or
- 6) Construct, create, eliminate, enlarge or diminish in size any Town waters or any wetlands adjacent to and associated with Town waters.

B. Permits will be issued in duplicate, under the seal of this Board, and are good for a period of **one year**; said permit shall be made out to **the owner of the property involved**. Original shall be filed with the Clerk of the Board and a copy shall be kept in the possession of the person in charge of the work at the site thereof, and such person displayed upon demand. The Trustee Permit shall be conspicuously **posted** along with copies of the applicant's New York State DEC Permit, and U.S. Army Corps of Engineer permit, as applicable, at the job site, and in a location visible from the nearest access road. In the event of any dispute arising, the form of the permit filed with the Clerk of the Board shall control.

C. **Dredging Permits** will only be issued upon written application addressed to and filed with this Board, setting forth in detail the purpose for which a permit is desired, the exact location of the bottom or waters to be affected, and the maximum duration of the work and if the permit is for digging, dredging, and removing the bottom of any waters for the purpose of making a fill, the application must state the maximum yardage to be taken.

D. All applications shall be **signed by the owner** of the property to be benefited, improved or in any manner served by the project in which a permit is sought, or by the person, firm or corporation by whom the work is to be performed acting as agent for the owner of the land.

E. Applications must be filled out completely and accurately.

F. In conjunction with the **Application for Work**, the Trustees require the following for all new work, reconstruction and replacement of existing structures:

- 1) **Two (2) copies of the following:**
 - a. **Property survey**, done by a New York State licensed surveyor, and updated **no more than one (1) year** prior to the application date. The survey submitted must bear the original seal of the licensed surveyor or engineer.
 - b. **Drawings / Plans** must be drawn to scale, separate or on survey and must bear the original stamp or seal of a New York State Licensed engineer. (12/16/13 mtg.)
 - c. **Photographs** of the site & proposed work area must be included.

- d. Copies of any **covenants or restrictions** on the property, if applicable, must also be submitted with application.
 - e. An electrical permit from the Town of Southampton Building Department, if applicable. (12/16/13 mtg.)
- 2) A minimum **inspection/application fee** of Two Hundred Fifty Dollars (\$250.00) shall be charged on applications for permits, **non-refundable**, with **additional** fees on docks, ramps, catwalks, tie-off poles, bulkheading, rip-rap, rock revetments, retaining walls, sand fencing, groins and dredging.
 - 3) **Preconstruction fee. If any building or commencement of any construction activity is without the benefit of applicable permits, all fees associated with any building or construction activity shall be equal to double the otherwise applicable fee for all applications and permits as provided for herein.**(12/16/13 mtg.)
- G. **Four (4) 1 year renewals of a permit issued for dredging, docks, bulkheading and channels provided, provided that there has been no change in the description of the work submitted with the existing permit which would warrant reconsideration of the permit or if any proposed modification in the description of work is less restrictive and will not result in any new adverse impact, will be approved by the Board for good cause, if applied for within three (3) months of date of expiration of original permit, upon payment of the application fee in the amount of Two Hundred Fifty Dollars (\$250.00).** (12/15/14 mtg.)
- H. All work for which a permit is issued shall at all times be subject to the inspection by this Board or its designated agent, for a **violation** of any of the statements in the application thereof; or any provision of the permit, or for any operation outside the limits shown on surveys accompanying the application, is at all times reserved, whether or not set forth in express terms in any permit. The Board reserves the **right to cancel** any permit when they find it is in the public interest to do so. A copy of these rules is to form a part of every permit issued.
- I. All lumber used on Trustee-approved structures (Ex.: For the construction of docks, bulkheads, pilings, sand fencing etc.) must be **untreated** and may **not** contain any chemical wood preservatives.
 Areas outside Trustee jurisdiction, but still within the Town: There are several areas in the Town where bulkheads and docks are permitted, but do not fall in the Trustee's jurisdiction (ex. Noyack Bay, Little Peconic Bay, Great Peconic Bay, and Flanders Bay). A ban on treated lumber has been in effect since June 3, 2002 on materials used on **any** Trustee permitted structures. No treated lumber may be used.
- J. Procedure for evaluating permit applications for **public hearings**:
- 1) **The Board of Trustees may, in its discretion, require that a public hearing be held on applications where the proposed project raises a significant degree of public interest, or where public input can aid in the decision making process.** (7/14/14 mtg.)
 - 2) The Board of Trustees shall give notice of a **public hearing** as follows:
 - a) By requiring the applicant to erect a **white sign** or signs with black lettering, measuring not less than two (2) feet long and one (1) foot wide, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice of the date, time and place where the public hearing will be held. The sign shall not be set back more than ten (10) feet from the street line and shall not be less than two (2) or more than six (6) feet above the grade at the street line. The sign shall be made of durable material and shall be furnished by the Board of Trustees. It shall be displayed for a period of not less than ten (10) days immediately preceding the public hearing date. No additional posting shall be required for any adjournment date. The applicant shall file an affidavit that he has complied with the provisions of this section.
 - b) By requiring the applicant to mail written notice of the date, time and place of the hearing, together with a copy of the application and survey submitted to the Board

of Trustees, by certified mail, return receipt requested, to every property owner, as shown on the current Town of Southampton assessment rolls, of parcels abutting the property which is the subject of the application, proof of which shall be submitted to the Board of Trustees on or before the commencement of the public hearing in the form of an affidavit with postal receipts annexed thereto confirming mailing of said notices at least ten (10) days prior to the hearing date.

- c) Failure of the applicant to provide the Board of Trustees with the required proofs of notice shall require that the matter be adjourned and renoticed.
- 3) Within forty-five (45) days of the close of any public hearing, the Board of Trustees shall render a decision to approve, approve with modifications or special conditions, or deny the issuance of a permit for the proposed activity. The Board of Trustees shall also set the term of any permit issued pursuant to its decision.
- 4) The Board of Trustees, on its own motion, or at the request of the applicant, may modify or extend any of the aforementioned time periods for good cause.
- 5) In evaluating applications for permits under this Section, the Board of Trustees shall consider the **potential impact** upon the rights and resources of the Freeholders and Commonalty of the Town of Southampton, including whether the activity applied for will unreasonably interfere with the rights of the Freeholders and Commonalty to use their lands or to pass and repass along their rights-of-way. To the maximum extent practical, the protection of the environment and conservation of natural resources shall be given appropriate weight with social and economic considerations. The Board may consider the objections or lack thereof, of abutting landowners.

SECTION 2 – Dredging

A) Any person, firm, or corporation making application for a permit to dredge a channel or basin, or to afford boat access to upland, shall agree to place, and at all times maintain, a legible sign not less than eighteen inches (18”) square on the upland and within ten (10) feet of the shore, opposite said channel or boat way, warning of the depth of water therein and the extent thereof along shore, and shall cause a white stake or stone to be placed and maintained on the upland marking the lines of such channel or boat way. The applicant further agrees to promptly place and maintain such signs and upon failure to do so, authorizes the Trustees, their employees, or agents, to obtain, place and maintain same with the right to recover the cost of making, placing and maintaining such signs.

B) All digging or dredging for filling shall be done in the area most reasonable and likely to aid navigation and shall be done so that the depth of the water in such area shall not be increased more than five (5) feet in each twenty-five (25) feet. All areas dug or dredged shall be left with shelving sides at a grade of 1-5.

C) **New dredging** in the bottoms of waters of the Town of Southampton shall be authorized upon the vote of a "**majority plus one**" of the Board of Trustees.

D) Upon application for dredging in an area that has been previously dredged, the applicant shall have the burden of proving to the satisfaction of the Trustees, that the area has been **previously dredged**.

E) The Trustees reserve the right to make a **yardage charge for material** in all cases that a direct public benefit does not result by reason of such dredging. Any dispute over yardage shall be determined by a Board-appointed engineer, at the expense of the applicant.

SECTION 3 – Bulkheading- Repair & Replacement

A) An applicant shall be allowed to reconstruct a structure, **within 18”**, if proof is provided that only one bulkhead or retaining wall has previously been constructed. In addition, one refacing of second structure will be permitted. In all other cases, bulkheads and retaining walls shall be reconstructed “in place” utilizing construction methods deemed appropriate by the Trustees.

- B) A permit will be required to undertake any repairs or modifications of existing structures of any kind. However, if it is found that the repair is **minor in nature**, as deemed by the Trustees, and does not constitute **10%** of the entire structure over a ten-year period, the Trustees may waive any portions of the standard permit application.
- C) All applications for new bulkheads, retaining walls, or reconstruction of existing structures shall provide a **minimum 10' setback** for all fertilized vegetation to prevent the lateral movement of silts and fertilizers into the marine environment.
- D) All applicants shall be required to agree to give and maintain a **public passing way**, on the upland, not less than five (5) feet in width, to enable persons to pass and repass around bulkhead and basins.
- E) Any person erecting a bulkhead or causing a bulkhead to be erected shall be at all times liable for any damage or injury sustained by reason of the erection and maintenance of said bulkhead. All applicants are required to **maintain the structural integrity** of the bulkhead so as not to cause a threat to the person or property of others.
- F) **Filter cloth** backing is to be installed on the inside of the new bulkheading to prevent sedimentation through the wall.
- G) To hinder siltation, the **final grading** of disturbed soils behind the new bulkhead shall be a minimum of **four (4") inches below** the finished height of the wall.
- H) Should it be deemed necessary to add backfill after grading has begun, only clean sand or gravel will be permitted. **No organic topsoils** are to be placed along the inside of the new bulkhead.
- I) Homeowner must agree to give and maintain a **public passing way**, on the upland, not less than five (5') feet in width to enable persons to pass and repass around said bulkhead.
- J) **No chemically treated lumber** may be used on any construction performed with a permit issued by the Board of Trustees. Absolutely **no** CCA is allowed. (7/14/14 mtg.)
- K) It must be clearly stated / shown on application / drawings exactly **what is being placed** within the 10' buffer zone, whether it is beach grass (type), gravel/sand, or walkway, etc.
- L) **Bulkhead caps** are limited to a width of 24". (11/19/07 mtg.)
- M) **Full Compliance:** Any and all permits by the Board for any property are issued contingent upon full compliance of any and all rules and regulations of the Board of Trustees.
- N) **Steel Bulkhead:** Specific to properties between West Landing Road and Gathering Rocks Road situate Red Creek, Hampton Bays.
THE FOLLOWING RESOLUTION WAS PASSED ON DECEMBER 3, 2012:
WHEREAS, due to site specific conditions that exist along this stretch of waterfront such as extreme slope angles, height of bluffs, lack of vegetation and tendency of severe wave and tidal action, a management plan is necessary to insure a consistent erosion control plan.
NOW THEREFORE, bulkheads will be allowed to be re-constructed following a plan to achieve a general straight line connecting with adjoining properties in a manner approved by the Trustees. The use of Steel Sheathing may be utilized in this Special Management Zone upon submission of an application and upon approval of the Town Trustees. (12/03/12 mtg.)
- O) **Shinnecock Beach Road Stipulation:** If any part of the bulkhead should exist on a Trustees' right of way known as Peconic Beach Road and, in the future, the public demands restoration of this road, the bulkhead will have to be removed.
- P) **Peconic Beach Road Stipulation:** If any part of the bulkhead should exist on a Trustees' right of way known as Peconic Beach Road and, in the future, the public demands restoration of this road, the bulkhead will have to be removed. (7/14/14 mtg.)

SECTION 4 – Dock Regulations - General Conditions

- 1) Only fixed docks will be allowed in freshwater ponds and lakes.
- 2) No chemically treated lumber is to be used on any Trustee-approved structure.
- 3) The Trustees will dictate the **placement and location** of the structure along the subject property so that it is constructed in the most sensible area with regard to environmental concerns.
- 4) A **photograph** of the specific location of the proposed docks structure must be presented to the Trustees before and after completion of the project. This will insure that no damage has occurred to the marsh grasses. If, in fact, it is deemed that marsh grasses have been damaged, the property owner will be responsible for replanting the vegetation.
- 5) No part of any dock structure shall be **stored** on the **inter-tidal marsh**. During the winter months, it has become common practice to store floats on the inter-tidal marsh. The floats must be either in the water or on the property owner's upland.
- 6) All **floating docks** shall have permit number or name of owner permanently affixed or etched into the wood on the seaward end of the dock structure and float.
- 7) No residential dock shall exceed **26"** above high water to top of dock deck.
- 8) The Trustees are not compelled to adapt lengths of docks to comply with DEC decisions.
- 9) Docks must be kept at least **ten (10') feet inside property lines** so as not to interfere with neighbor's access to water.
- 10) All applicants shall be required to agree to give and maintain a **public passing way**, on the upland, not less than five (5) feet in width to enable persons to pass and repass around said dock.
- 11) Any person erecting a dock or causing a dock/bulkhead to be erected shall be at all time liable for any damage or injury sustained by reason of the erections and maintenance of said dock. All applicants are required to maintain the **structural integrity** of the dock so as not to cause a threat to the person or property of others.
- 12) Any application for a dock to be constructed at the end of a **right-of-way** will require written consent from all parties having an interest in the right-of-way.
- 13) If a dock is to be permitted on a **right-of-way or easement**, permission shall be obtained by the owner of the described pre-existing buildable lot, along with a signed covenant recognizing that said owner is **relinquishing** his or her rights to berth additional vessels and construct other docking facilities on the subject parcel.
- 14) All **seasonal** dock structures must be removed from the water by December 1st of each year and may be reinstalled April 1st.
- 15) For all docks fifty (50') feet or longer in length, the seaward end of pier must be equipped with an all-weather **dock light** which gives off a steady all-around white light from sunset to sunrise.
- 16) Residentially zoned lots shall have a maximum of **two (2) boats**. (Personal water crafts count as boats.)
- 17) All Trustee-approved structures must be constructed with **non-treated materials**. (3/20/06)
- 18) All portions of docks that are landward of the vegetated shoreline shall be **supported by 4"x4"** posts. The seaward portion of the structures may be supported by a maximum 8" diameter round piles with the butts of the piles faced down.

- 19) In **Sag Harbor Cove**, dock widths will vary between 3'6" and 4'0" depending upon which area of the cove is in question.
- 20) Only **one (1) floating dock** is permitted per residential dock structure. Maximum size float will be **6'x20'**, secured by up to maximum 8" diameter round piles. (3/05/07 mtg.)
- 21) Submerged aquatic vegetation, such as the presence of **eelgrass**, may affect the decision as to whether a dock is approved. If placement of the dock is destructive to eel grass beds, the project may be denied in favor of a mooring.
- 22) Special exceptions will be made for a **handicap facility**; however, the facility must be removed upon sale of the subject premises to a third party. A covenant to that effect must be filed with the Suffolk County Clerk's Office and a copy of the covenant and the recording page must be sent to the Trustee's office within sixty (60)-days of the date of the permit.
- 23) The Trustees always consider **site-specific** conditions. For example, if the minimum amount of length increase will give the homeowner appreciable water depth.
- 24) No person shall cause any **sandblast** debris, sanding dust or power washing effluent to enter any water body.
- 25) The Trustee's Office shall be **notified** within 24 hours prior to the **commencement** of any project subject to an approved permit.
- 26) **Dune Decks:** Walkways and/or catwalks leading to the water or the beach areas of the Town of Southampton shall not include any deck area or expanded area (within the dune area) other than the walkway itself; a bench may be considered for seating purposes only, attached to or made part of the walkway upon approval of the Board of Trustees.
- 27) **Full Compliance:** Any and all permits by the Board for any property are issued contingent upon full compliance of any and all rules and regulations of the Board of Trustees.
- 28) **Shinnecock Beach Road Stipulation:** If any part of the dock should exist on a Trustees' right of way known as Shinnecock Beach Road and, in the future, the public demands restoration of this road, the dock will have to be removed.
- 29) **Peconic Beach Road Stipulation:** If any part of the dock should exist on a Trustees' right of way known as Peconic Beach Road and, in the future, the public demands restoration of this road, the dock will have to be removed at the property owner's expense. (7/14/14 mtg.)

SECTION 5 - Dock Specifications - Docks shall be designed using the following specifications:

Category I – (Commercial)

Maximum pile diameter	10"
Maximum width of fixed dock	6'
Maximum height of dock above high water	3'

Category II – (Residential)

Maximum pile diameter	8"
Maximum width of fixed dock	4'
Maximum height to top of deck above high water	26"
Maximum width of floating dock	6'
One dock per residential lot	

Category III – (Residential)

Maximum post size	4"x6"
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Maximum width of fixed dock	4'
Maximum height to top of deck above high water	26"
Maximum width of floating dock	6'
One dock per residential lot	

Category IV – (Residential)

Floating docks	6'x20'
Maximum catwalk width	4'
Maximum diameter posts to secure float	4"x6"
One dock per residential lot	

SECTION 6 – Dock Lengths in Tidal Waters

- 1) Length of docks shall be determined utilizing depth measurements, safe navigation considerations and efficient shellfish and baitfish harvesting methods.
 - a) **Shallow water areas:** Dock and float shall not exceed 100 feet in length measured from the mean high water mark or bulkhead; or past a **depth of 30"** average low water - **whichever comes first.**
 - b) **Deep-water areas:** Dock and float shall not exceed 25 feet in length measured from the mean high water mark or bulkhead; or past a **depth of 30"** average low water – **whichever comes first.**
- 2) If a depth measurement shows that no appreciable change of depth is gained from 25' to 100', then the **minimum length** dock or a mooring shall be deemed adequate. If appreciable change of depth from 25' off shore to 100' is not reached, then the 25-foot dock or mooring shall suffice.

SECTION 7 – Pier Line Designated Areas

Unless there exists an established pier line that is contrary:

- 1) **Mecox Bay and connecting bodies of water:** Docks, including floating docks, are not to exceed **50'** in length measured from the average high water line in Mecox Bay and connecting bodies of water. (3/15/04 mtg.)
- 2) **Davis Creek:** Docks may not extend more than forty (40') feet into Davis Creek.
- 3) **Kellis Pond:** Docks may not extend more than ten (10') feet into Kellis Pond.
- 4) **North Sea Harbor:** Docks, including floating docks, are not to exceed **60'** in length from the average high water line into North Sea Harbor. (06/01/09 mtg.)
- 5) **Quantuck Bay:** Docks, including floating docks, are not to exceed **50'** in length from the average high water line into Quantuck Bay.
- 6) **Sag Harbor Cove:** Docks, including floating docks, are not to exceed **60'** in length measured from the average high water line into Sag Harbor Cove.
- 7) **Shinnecock Bay:** Docks, including floating docks, are not to exceed **135'** in length measured from the average high water line in Shinnecock Bay, from the Coast Guard Station to Cormorant Point and then to Argonne Road East. (3/15/04 mtg.)

SECTION 8 – Catwalks & Elevated Walkways (03/16/09 mtg.)

Construction of catwalks, stairs and elevated walkways shall utilize construction methods as unobtrusive as possible.

- 1) Catwalks, stairs and elevated walkways shall be built 4' **above the existing grade**, unless otherwise stipulated by a majority of the Trustees on a case by case basis.
- 2) Any **handrails** shall be of minimum specifications to allow for safety standards accepted by the Town Building Department.
- 3) The maximum overall **width** of any catwalk, stairs or elevated walkway is not to exceed four (4') feet. This maximum overall width of 4' is to include the whole structure, including all decking, posts, pilings, handrails and cap rails.
- 4) Posts and/or pilings not to exceed **8' on center** and girder beams not to exceed 2" x 8" in width and height. (11/16/09 mtg.)

SECTION 9 – Docking Rights Within Narrow Creeks, Canals and Other Water Bodies

- 1) **Safe Navigation must be maintained:** Docking areas shall be calculated by means of projecting property lines towards the center of the creek or canal to a line established parallel to the shoreline, which will be determined by the Trustees in order to safeguard proper navigation and establish equitable docking areas. In no case shall maximum docking line exceed **1/3 the total width** of the water body.
- 2) **Water Bodies Less than 100 feet in width:** The navigation area shall not be less than 30' in width. The docking area shall be generally calculated by dividing the resulting width equally. However, in cases where the main channel is not centered, the Trustees shall set a maximum docking line, taking into account field specific conditions.
- 3) **Water Bodies Greater than 100 feet in width:** The navigation area shall be at least 1/3 of the total width, with its maximum docking line set by the Trustees.
- 4) **Ends of Canals and Narrow Water Bodies:** In the case of a terminus of a canal or creek, property lines shall be projected in a triangular fashion towards the center line of the water body and disallowing for navigation areas so as to fairly apportion docking rights.
- 5) In no case shall any person block access or **extend lines** across docking areas of other parties without written permission of the affected owners or any person judged by the Trustees to be so affected.
- 6) No projecting docks will be permitted within the Quogue Canal or other canals judged to be affected at a later date of adoption of this policy.
- 7) **Docking line** includes the vessel, floats, piles or any other structure. (03/01/10 mtg.)
- 8) **Fish Cove dock regulation:** All docks located between 30 Robins Lane, North Sea and 8 Helen's Lane, North Sea shall be shore parallel, in a "T" or "L" configuration, as the Trustees have determined that this is the most efficient configuration to ensure the safest navigation possible, with the landward side of the float located at a water depth of 30-inches at low tide. (1/03/11 mtg.)

SECTION 10 – Freshwater Pond Management

- 1) Absolutely, no CCA, ACQ, Creosote or any other treated lumber shall be used in any freshwater body.
- 2) Only fixed docks will be allowed in freshwater ponds and lakes.
- 3) Permitted **swim floats** shall not exceed 8’x8’ and are seasonal in nature. They must be removed from the water during the winter season, December 1st through April 1st.
- 4) Dock posts shall not exceed 6” x 6” in diameter.
- 5) Widths of docks (fixed & swim floats):
 - a. Elevated fixed dock: Maximum 2’ above average water level, maximum 4’ in width
 - b. Floating swim floats: Maximum 6’ in width

SECTION 11 – Honey Pot Pond Dock Management (12/19/11 mtg.)

- 1) All docks must be no wider than 30” in width.
- 2) The dock must be 24” or less above grade.
- 3) The decks must utilize at least 60% open-grate decking.
- 4) The girders of the dock must be a maximum of 2”x8”.
- 5) There will be no handrails.
- 6) The support posts cannot be more than 4”x4”.
- 7) Posts must be cut flush with the deck of catwalk.
- 8) Seaward end of dock will extend out no greater than 3’ beyond the existing meadow.

ARTICLE VIII

Dewatering equipment, tanks, pumps and wells

A) No person shall install, or cause to be installed, dewatering equipment to permit water to be discharged into surface waters or wetlands of the Town of Southampton from a swimming pool or other structure or area, or due to ground water intrusion during construction of a swimming pool or any other structure, unless authorized by a permit issued by the Trustees. Applications for permits will not be considered unless the installation is proposed on a temporary basis only, during construction or structural repair. The application shall state the anticipated duration of any such construction or structural repair.

B) No person shall use, or cause to be used, circulating pumps or wells to cleanse shellfish in holding tanks, or tanks used to hold clams, lobsters or fish on a temporary basis prior to sale, unless authorized by a permit issued by the Trustees.

C) Applications under this Article shall be submitted in the name of, and shall be signed by, the owner of the property to be benefited. The application fee shall be Two Hundred Fifty Dollars (\$250.00).

ARTICLE IX

Application and permit forms

- A) All applications and permits shall be in a form prescribed by the Board of Trustees.
- B) Applications must be filled out completely and accurately.
- C) A copy of the Rules and Regulations for the Management and Products of the Waters of the Town of Southampton, of said section that pertains to said permit, will accompany all permits.
- D) Consistent with any social, economic, or other considerations meant to enhance or protect adjacent tidal wetlands, and in addition to the general conditions of the permit, the applicant agrees to comply with the site-related special conditions adopted by the Board of Trustees as conditions of said permit.
- E) The Board of Trustees shall be notified within 48 hours of the construction onset for the proposed project.
- F) All Permittees must follow the stipulations and special conditions stated in their permit.

ARTICLE X

Penalties and Violations

- A) Any person who shall violate any of the provisions of these regulations shall be liable for a penalty of Fifty Dollars (\$50.00), to be recovered in a civil action; and each and every violation of said provisions shall constitute a separate violation for which a separate penalty of Fifty Dollars (\$50.00) may be recovered in the same action. Nothing herein contained shall prevent, impair or deny the maintenance of any action, or proceeding, to complete compliance with, or restrain by injunction, any violation of the Rules and Regulations.

ARTICLE XI

Ramp & 4x4 Beach Driving Permits

SECTION 1 – Permit Required – Fees and Regulations

Ramp Permits:

A) No person shall make use of any Trustee boat ramp unless such person has **obtained a permit** as prescribed by these Rules and Regulations.

B) Ramps may be used by a **Freeholder, Resident or Taxpayer** upon first applying for and obtaining an annual ramp permit from the Town Trustees. There shall be a fee of Twenty Dollars (\$20.00) for such permit and said permit shall expire the last day of the year of issue. There shall be a fee of Ten Dollars (\$10.00) for Freeholder, Resident or Taxpayer **Senior Citizens aged 62** or older, on the date of application.

C) Ramps may be used by a **Non-Resident** upon first applying and obtaining a Non-Resident annual permit from the Town Trustees of the Town of Southampton. There shall be a One Hundred Fifty Dollar (\$150.00) for such permit and said permit shall expire the last day of the year of issue.

D) Ramps may be used by a **Commercial User** upon first applying for and obtaining an annual Commercial ramp permit from the Town Trustees of the Town of Southampton. There shall be a fee of Forty Dollars (\$40.00) for a Resident Commercial User and a fee of Two Hundred Fifty Dollars

(\$250.00) for a Non-Resident Commercial User. Said permit shall expire the last day of the year of issue.

E) Any person qualified as set forth above may obtain a permit for use of the Trustee ramps by making an application therefore and paying the fee as set forth above.

F) Such application shall be made in writing in the form prescribed by the Town Trustees and shall include, but not be limited to the following information:

- 1) The applicant's name and date of birth
- 2) The applicant's residence with street number, if any.
- 3) The length of applicant's residence in the Town of Southampton.
- 4) The applicant's domicile outside the Town of Southampton.
- 5) The applicant's real property owned in the Town of Southampton, with street number, if any.
- 6) Description of the vehicle for which a boat ramp permit is sought, including the make, model, year and registration number. The applicant is also required to produce a **valid registration** for said vehicle.
- 7) **No** permits will be issued to **dealer plates**.

G) Application for a boat ramp permit shall be valid for the **calendar year** in which it is issued.

H) Any non-commercial resident permit issued hereunder shall become void if the holder ceases to be a Freeholder, Resident or Taxpayer.

I) When a Boat Ramp permit application is accepted by the Town Trustees, a boat ramp sticker will be issued to the applicant. Such sticker shall be affixed to the vehicle on the rear window above the license plate, or on the driver's side vent window.

J) The application shall be filed in the Town Trustee's Office.

Beach Driving 4x4 Permits:

A) No person shall beach drive on Town Beaches unless such person has **obtained a permit** as prescribed by these Rules and Regulations.

B) Beach driving permits can be obtained by **Freeholder, Resident or Taxpayer** upon first applying for and obtaining an annual 4x4 permit from the Town Trustees. There shall be a fee of Twenty Dollars (\$20.00) for such permit and said permit shall expire the last day of the year of issue. There shall be a fee of Ten Dollars (\$10.00) for Freeholder, Resident or Taxpayer **Senior Citizens aged 62** or older, on the date of application.

C) 4x4 Beach Driving Permits may **not** be purchased by **Non-Residents**.

D) Any person qualified as set forth above may obtain a 4x4 permit by making an application therefore and paying the fee as set forth above.

E) Such application shall be made in writing in the form prescribed by the Town Trustees and shall include, but not be limited to the following information:

- 1) The applicant's name and date of birth
- 2) The applicant's residence with street number, if any.
- 3) The length of applicant's residence in the Town of Southampton.
- 4) The applicant's domicile outside the Town of Southampton.

- 5) The applicant's real property owned in the Town of Southampton, with street number, if any.
 - 6) Description of the vehicle for which a 4x4 permit is sought, including the make, model, year and registration number. The applicant is also required to produce a **valid registration** for said vehicle.
 - 7) No permits will be issued to **dealer plates**.
- F) 4x4 permits shall be valid for the **calendar year** in which it is issued.
- G) When a 4x4 permit application is accepted by the Town Trustees, a permit sticker will be issued to the applicant. Such sticker shall be affixed to the vehicle on the front bumper, driver's side.
- H) The application shall be filed in the Town Trustee's Office.

SECTION 2 – Transferability of Boat Ramp or 4x4 Beach Driving Permits

- A) Any transfer of ownership of the vehicle to any other person, partnership or corporation shall terminate the permit.
- B) Should the permittee change vehicles during the permit period, and notify the Town Trustees of a change of vehicle, the Town Trustees shall be authorized to issue a new sticker, identifying the change the in vehicle and registration number. (The new registration must be provided and the old stickers must be returned to the Trustees in order for **free replacements** to be given.)
- C) A **permit is required for each vehicle** using the ramp or 4x4 beach driving notwithstanding the fact that one person owns several vehicles.

ARTICLE XII

Beach Regulations & 4x4 Beach Driving

SECTION 1 - 4x4 Beach Driving

- A) It shall be unlawful for any person to drive or operate a motor vehicle on bay beach or on ocean beach areas between the Friday immediately preceding Memorial Day and the 15th day of September in each year between 9:00 a.m. and 6:00 p.m. except for areas specifically designated by resolution of the Trustees for daytime use. Notwithstanding the foregoing, no vehicles shall be allowed on Foster Memorial Beach (commonly known as Long Beach, Noyack) at any time from May 15th to September 14th at midnight. (Note: Exceptions in Paragraphs 10, 11, 12, and 13). All day 4x4 vehicle use is permitted between Roads F & G, along the eastern boundary of Shinnecock East County Park, and at Cold Spring Road, 300' east of road to boulder, off Peconic Bay, during the summer season only.
- B) No person shall drive or operate a motor vehicle on bay beach areas or ocean beach areas unless said vehicle is registered and unless the driver or operator is covered by liability insurance policy equivalent to that required by the State of New York for the operation of a motor vehicle upon public highways and unless said vehicle displays a permit on the front bumper to operate said motor vehicle in said area from the Town Trustees. Such permit shall be issued by the Trustees upon application, if the applicant possesses a valid license to operate a motor vehicle on public highways and executes an affidavit that said vehicle contains the following equipment: jack, jack board, tow chain or rope, air pressure gauge, tire inflation device and shovel. Permits will only be issued to four-wheel drive vehicles. Permits will expire on December 31st of the calendar year of issue. The fee for said permit shall be Twenty Dollars (\$20.00) for Residents, Freeholders, or Taxpayers of the Town of Southampton and Ten Dollars (\$10.00) for Senior Citizen Resident, Freeholders or Taxpayers of the Town of Southampton, aged 62 or older, on the day of application.

- C) No person shall drive or operate a motor vehicle on bay beach areas or ocean beach areas unless said vehicle is equipped as prescribed in the foregoing paragraph.
- D) No person shall drive or operate a motor vehicle in excess of **ten (10) miles per hour** on any beach areas or ocean beach areas within the Town.
- E) No person shall drive or operate any **All Terrain Vehicle (ATV)**, (including Quads, Mules, Gators) or **motorcycle** at any time on any bay beach areas or ocean beach areas within the Town.
- F) No person shall drive or operate a motor vehicle on any **dunes, beach grasses or wetlands vegetation** of any kind.
- G) The Town Trustees reserve the right to **temporarily close any beach** areas or any part thereof to vehicular traffic during periods of severe beach erosion or for any other reason that they deem necessary. Signs will be posted in conspicuous access areas to advise the public of the location and duration of any temporary closure.
- H) No person shall display or use a four-wheel drive vehicle permit unless said permit properly applies to the vehicle owner's **residency status** at the time of said use and is displayed only on the **vehicle for which it was issued**.
- I) In addition to other penalties provided herein, any person to whom a permit has been issued who violates a provision of paragraphs A, B, C, D, E, F, G, or H shall have said permit **revoked** when it is legally determined that any paragraph has been violated. If such violation is the first violation of this section, such person shall be eligible to apply for, purchase, and receive a new permit. A person shall not be eligible for issuance of a permit if he had twice violated the provisions of this section within one year from the date of application.
- J) The provisions of this section shall not apply to Town, County, or State employees or Contractors working under the direction or supervision of the Town, or emergency vehicles.
- K) The provisions of paragraph 1 shall not apply to a commercial fisherman holding a valid New York State Department of Environmental Conservation "Resident Marine Commercial Food Fish Fishing License" actively engaged in a commercial fishing activity. All other restrictions shall apply.
- L) Nothing contained in this article shall prevent the launching or retrieval of boats from the terminus of the Town or Trustee's roads, except as provided in Article XIV.
- M) Special daytime use areas – Daytime 4x4 access beach driving and parking are permitted in the following areas:
 - 1) Southampton Village – Between Roads F & G, along ocean beach (west of the Shinnecock East County Park's eastern boundary)
 - 4) Peconic Bay Access – at the foot of Cold Spring Road, beach parking is allowed in a section extending 300' east of road to boulder, as indicated by a sign – Access only to be from Cold Spring Road.

SECTION 2 - Public Access (9/21/09 mtg.)

A) **Bay Beaches** associated with tidal waters within the Town of Southampton, defined as the area between the mean low and mean high water marks and known historically as the “Passing Way” are open to the Freeholders and Commonalty at all times, as follows:

1. **South Shore**: All beaches associated with bays, tidal ponds and creeks from Moriches Inlet on the west to Sagaponack on the east, from the Brookhaven/Riverhead Town Lines in the west to the East Hampton Town line in the East, including, but not limited to, Sagg Pond, Mecox Bay, Quantuck Bay, Moriches Bay, Tiana Bay, Shinnecock Bay, and all those inland creeks, bays or harbors, which border the Peconic Bay system. Said areas are owned by the Southampton Town Trustees.
2. **North Shore**: All beaches associated with inland bays and creeks, from Reeves Bay on the west to Sag Harbor Cove on the east.
3. **Peconic Beach Road** - All that area, seventy five (75’) feet in width, owned by the Southampton Town Trustees, known as Peconic Beach Road, bounded on the east by Sebonac Inlet, bounded on the west by the entrance of Shinnecock Canal, bounded on the north by the high water mark of Peconic Bay. West of the Canal is a right of way, designated by the Act of 1738, which terminates east of east side of Red Creek Pond Inlet.
4. **Shinnecock Beach Road** – All that area, fifty (50’) feet in width, owned by the Southampton Town Trustees, known as Shinnecock Beach Road, bounded by the east by the entrance to Old Fort Pond, bounded on the west by a point 300’ west of Crab Road, Hampton Bays, bounded on the south by the high water mark of Shinnecock Bay.
5. All that area owned by the Town of Southampton which borders any tidal or fresh waters, including but not limited to Foster Memorial Beach in Noyack, Circle Beach (Hallock’s Beach) in Noyack, and Towd Point in North Sea.
6. The terminus of all town or Town Trustee Roads leading to any body of water within the Town.
7. Any otherwise legal activity is permitted between the mean high water and mean low water marks, including, but not limited to walking, sunbathing, fishing, beaching boats and hauling seines.
8. Nothing herein shall be construed to sanction public trespass on private property.
9. It shall be deemed a violation of these regulations for any person to block the public’s access to beaches as set forth in this subsection.

B) **Ocean Beaches** within the Town are open to the public at all times within the **easement** held by the Trustees consisting of the area between the high water mark and the crest of the dune. In addition, the area between high water and low water is also a “**Passing Way**”. The easement along the Atlantic Ocean is bounded on the north by the crest of the primary dune, on the east by the easterly town line, on the south by the high water mark of the Atlantic Ocean and on the west by the westerly town line. This area is a right of way granted by the **Dongan Patent** and upheld by subsequent court cases.

SECTION 3 - Beach Fencing -

- A) On ocean beaches, no fencing shall be installed greater than **ten (10') feet** seaward of the toe of the dune. In the absence of a dune, a line drawn connecting the toes of the nearby dunes on either side shall be considered the toe. (7/21/08 mtg.)
- B) Sand collection fencing, commonly known as “snow fencing” is to be placed **parallel** to the toe of dunes only. It is to be installed in any of three (3) configurations: “straight run”, running “W”, or “double diamond”. (7/21/08 mtg.)
- C) Beach fencing is to be installed solely for the collection of sand for the replenishment of the dunes. This fencing is not to be used for exclusionary purposes and shall not contain gates. (3/19/07 mtg.)
- D) The owner of beach fencing not meeting Trustee regulations shall be notified and given thirty (30) days to remove the fence. (3/19/07 mtg.)
- E) Only **wooden** stakes or posts are to be used on the installation of snow fencing or any other erosion control device on the dunes or beaches in the Town of Southampton. (4/05/04 mtg.)
- F) A **permit** from the Southampton Town Trustees is required for the erection of sand collection fencing. The permit fees for sand fencing are the same as for bulkheading (per linear foot). (7/21/08 mtg.)
- G) All Dune Restoration / Beach Scraping projects must have a valid **Trustee’s Permit**.
- H) No Dune Restoration / Beach Scraping projects may be done during the **Piping Plover** or Least Tern breeding season, April 1st through August 31st of any given year.
- I) Sand fencing shall not be installed before March 1st (after the winter storms end) or during Piping Plover season (March 31st – September 15th) without a plover inspection being done first. (12/07/09 mtg.)

ARTICLE XIII

Parking by Permit on Trustees’ Roads

A) The following Southampton Town Trustees’ roads shall be designated as parking-by-permit areas from May 15th to September 15th of each year. Said permit shall be issued by the Southampton Town Trustees for the following areas:

- | | |
|-------------------------|--|
| 1) <u>East Quogue</u> – | 2) <u>Hampton Bays</u> - |
| a) Dolphin Lane | a) Mermaid Lane |
| b) Triton Lane | b) Roads <u>D</u> , H, I, J, K, & L (7/14/14 mtg.) |

B) Trustees Road Parking Permit, any Trustees’ Resident Sticker, or a Town of Southampton Parks & Recreation Parking Permit, which must be obtained prior to parking. Permits will be for Residents and Taxpayers only.

C) Southampton Village - No parking in Lake Agawam Parking Lot without a Trustee’s Lake Agawam Parking Sticker. (03/03/08 mtg.)

ARTICLE XIV

Launching and Retrieval of Boats

- A) No person shall launch or retrieve any inboard boat less than sixteen (16) feet in length from the terminus of any Town road or Trustee road unless there is an existing launching ramp at the terminus of said road.

ARTICLE XV

Seaplanes

- A) Seaplanes and amphibious aircraft are **prohibited** from landing, taking off, taxiing, or otherwise operating in Mecox Bay.
- B) In all other Town waters, the following shall apply:
- 1) Seaplanes and amphibious aircraft are **prohibited** from landing or taking off from any Town waters within one thousand (1,000) feet of any shoreline.
 - 2) Seaplanes and amphibious aircraft **may operate** within one thousand (1,000') feet of the shoreline while taxiing, at a speed no greater than five (5) miles per hour.

ARTICLE XVI

Marina Equipment, Boatlifts and Hydro-hoists

- A) The placement of floating docks, inflatable trampolines, storage equipment, and other related marina equipment are prohibited within the inter-tidal zone.

- B) The maintenance of boatlifts/hydro-hoists and construction of devices to affix boatlifts, also known as hydro-hoists, to docks shall be **prohibited** in the following areas:

Cold Spring Pond	Davis Creek	Foster Creek
Fresh Pond Creek	Heady Creek	Mecox Bay and Tributaries
Middle Pond	Mill Creek	North Sea Harbor
Noyack Creek	Old Fort Pond	Penny Pond
Phillips Creek	Penniman's Creek	Quantuck Bay and Tributaries
Red Creek Pond	Sag Harbor Cove	Sebonac Creek
Shinnecock Bay (East & West)	Smith Creek	Taylor's Creek
Tiana Bay	Weesuck Creek	Wells Creek
Wooley Pond	<u>& in waters less than 4' deep at mean low water</u>	

- C) An application for permit for a boatlift or hydro-hoist may be submitted to the Board of Trustees for areas not listed above.

ARTICLE XVII

Ocean Beach Events & Permits

SECTION 1 - Permit Required for Ocean Beach Events

- A) No individual, partnership, corporation, limited-liability company, or other entity or organization shall hold or conduct an event within the ocean beach area unless a “**Beach Event Permit**” has been issued by the Board of Trustees.

SECTION 2 - Application and Approval

- B) In the case of an event involving a group of fifty (50) or more persons, the application for a Beach Event Permit shall be filed with the Board of Trustees at least **30 days prior** to the proposed date of the event.
- C) In determining whether to issue a Beach Event Permit, the Board of Trustees may consider and impose **reasonable conditions** which shall constitute “Beach Event Permit Conditions.” These considerations may include but not be limited to the consideration of the following: the size of the property in relation to the number of persons expected to attend the gathering, the frequency of the special event and whether it constitutes a use of the property compatible with its character or that of the surrounding area.
- D) Permits issued by the Board of Trustees are **not transferable** and shall **expire** at the designated time for the close of the event for which it is issued.
- E) **Terms and conditions of permit.** The issuance of a permit shall be deemed an approval of the application and shall require the applicant to undertake all actions proposed in the application for the control of traffic, parking, noise, lighting, refuse and the like. The event shall be subject to any other terms or conditions imposed in the permit, in any resolution of the Board of Trustees approving the permit or in any permit obtained from other applicable Town departments designated by the Board of Trustees.
- F) **Privilege.** The granting of a Beach Event Permit by the Board of Trustees is a privilege and not a right and may be denied in the event applicant fails to comply with any applicable provision of this chapter or for any other reason not prohibited by law.
- G) An application for a Beach Event Permit shall be accompanied by an **application fee** in an amount to be determined by the Board of Trustees which may be established and modified from time to time by resolution.
- H) A Beach Event Permit issued by the Board of Trustees shall be **displayed** in clear view at the event.
- I) Required applications must be submitted and approvals obtained from any other regulatory entities including but not limited to the Town of Southampton.

SECTION 3 - Piping Plover and Least Tern Monitoring

- J) An on-site **inspection** must be conducted for any Beach Event Permit application where the proposed event site is in proximity of piping plovers or least tern. Such an inspection and evaluation will reveal whether special conditions must be included with the permit and whether a monitor is necessary in order to preserve the integrity of the habitat and nesting sites. The amount for initial **inspection fees and monitor fees** shall be determined by the Board of Trustees which may be established and modified from time to time by resolution.

SECTION 4 - Rules and regulations; permit conditions

- K) The Board of Trustees may establish from time to time by **resolution rules and regulations** for events within the ocean beach area.
- L) Such rules and regulations shall be deemed to be event permit conditions, and any violation of such rules and regulations shall be deemed a violation of this section.

SECTION 5 - Trespassing; liability; compliance with other regulations

- M) Issuance of a Beach Event Permit shall not be construed as authorizing any person to trespass upon real property.
- N) Issuance of a Beach Event Permit shall not be construed as imposing any liability on the Board of Trustees for any personal injury or property damage which may be sustained by any person attending the event. Issuance of a Beach Event Permit shall not be construed as creating any duty owed by the Board of Trustees to any person attending the event.
- O) Issuance of a Beach Event Permit shall not be construed as authorizing violations of any provision of the Town Code of the Town of Southampton or any applicable Village Code.

LEGISLATION FOR SOUTHAMPTON'S SHORELINE

SECTION 1 – Introduction

We, the Board of Trustees of the Town of Southampton, have accepted a tremendous responsibility as the stewards and managers of Southampton's waters and the products of Southampton's waters. In the face of population growth, increasing land values, growing financial pressures and the attraction by both residential and commercial development along Southampton's waterfront, the Board of Trustees must now develop a strategy and management plan for Southampton's waterfront and coastal areas. The following draft proposal targets access areas, docking facilities (both residential and commercial); coastal and fresh water management and protection areas. The task, which will not be easy, is to initiate and enact legislation, which will both protect Southampton's natural resources and shorefront while maintaining Southampton's citizen's rights of ownership of the property owner.

SECTION 2 – Docks

The Board of Trustees should follow and extend the general policy of zoning of the Town of Southampton by adopting legislation, which is consistent with a "hamlet" approach. By this approach, it is intended to explore and concentrate marina and docking facilities within the Town of Southampton where the upland zoning permits this activity and development. Residential areas should not be subject to any further commercialized use or development along Southampton's waterfront. Commercial areas should accommodate affordable marinas and/or mooring areas, which can accommodate commercial boats (which typically are over thirty (30') feet long), suitable "haul out" areas and dock space for storage. Mooring areas should be considered and/or re-evaluated to ensure that all moorings are being property utilized and that future mooring fields are considered to accommodate any future demand.

SECTION 3 - Marine Construction Materials

The Board of Trustees of the Freeholders and Commonalty of the Town of Southampton is extremely concerned about the effect of CCA and other harmful chemicals leaching into the ground and waters of the Town of Southampton. As such, all Trustee regulated structures **must** be constructed of **untreated materials** that do not employ chemicals or petroleum products to prevent decay or borer damage. All lumber used for docks/bulkheading shall **not** contain: 1) Chromated copper arsenate (also known as "CCA" banned 6/03/02), 2)

Creosote (banned in the 1990's), 3) ACQ (banned 3/20/06), 4) Penta Products (banned 3/20/06), or 4) any other homemade wood preservatives (banned 3/20/06).

The Board of Trustees mandates that lumber must be **untreated**; however alternatives to wood may be used, such as vinyl, recycled plastic, plastic composites and rubber (Durabond). (3/03/08 mtg.)

SECTION 4 - Construction Specifications

- 1) **Profiles** of docks should be site specific, but the Board should always follow a strict policy for visual and aesthetic protections of Southampton's waterfront.
- 2) Elevations should not exceed more than **26 inches (26") over the water** to the top of deck.
- 3) **Handicap** accessible specifications will be site specific and supersede any proposed specifications in order to insure and provide easy handicap access.
- 4) **Site-specific** elements such as shore edge types and inshore natural landscapes should govern specifications.
- 5) **No chemically treated** wood or preservatives may be used for the construction of docks, bulkheads or pilings in the Town of Southampton.

SECTION 5 – Ocean Beach Events & Permits:

- 1) Permit required for Ocean Beach Events
 - A) No individual, partnership, corporation, limited-liability company, or other entity or organization shall hold or conduct an event within the ocean beach area unless a "**Beach Event Permit**" has been issued by the Board of Trustees.
- 2) Application and Approval
 - A) In the case of an event involving a group of fifty (50) or more persons, the application for a Beach Event Permit shall be filed with the Board of Trustees at least **30 days prior** to the proposed date of the event.
 - B) In determining whether to issue a Beach Event Permit, the Board of Trustees may consider and impose **reasonable conditions** which shall constitute "Beach Event Permit Conditions." These considerations may include but not be limited to the consideration of the following: the size of the property in relation to the number of persons expected to attend the gathering, the frequency of the special event and whether it constitutes a use of the property compatible with its character or that of the surrounding area.
 - C) Permits issued by the Board of Trustees are **not transferable** and shall **expire** at the designated time for the close of the event for which it is issued.
 - D) **Terms and conditions of permit.** The issuance of a permit shall be deemed an approval of the application and shall require the applicant to undertake all actions proposed in the application for the control of traffic, parking, noise, lighting, refuse and the like. The event shall be subject to any other terms or conditions imposed in the permit, in any resolution of the Board of Trustees approving the permit or in any permit obtained from other applicable Town departments designated by the Board of Trustees.
 - E) **Privilege.** The granting of a Beach Event Permit by the Board of Trustees is a privilege and not a right and may be denied in the event applicant fails to comply with any applicable provision of this chapter or for any other reason not prohibited by law.

- F) An application for a Beach Event Permit shall be accompanied by an **application fee** in an amount to be determined by the Board of Trustees which may be established and modified from time to time by resolution.
 - G) A Beach Event Permit issued by the Board of Trustees shall be **displayed** in clear view at the event.
 - H) Required applications must be submitted and approvals obtained from any other regulatory entities including but not limited to the Town of Southampton.
- 3) Piping Plover and Least Tern Monitoring
- A) An on-site **inspection** must be conducted for any Beach Event Permit application where the proposed event site is in proximity of piping plovers or least tern. Such an inspection and evaluation will reveal whether special conditions must be included with the permit and whether a monitor is necessary in order to preserve the integrity of the habitat and nesting sites. The amount for initial **inspection fees and monitor fees** shall be determined by the Board of Trustees which may be established and modified from time to time by resolution.
- 4) Rules and regulations; permit conditions
- A) The Board of Trustees may establish from time to time by **resolution rules and regulations** for events within the ocean beach area.
 - B) Such rules and regulations shall be deemed to be event permit conditions, and any violation of such rules and regulations shall be deemed a violation of this section.
- 5) Trespassing; liability; compliance with other regulations
- A) Issuance of a Beach Event Permit shall not be construed as authorizing any person to trespass upon real property.
 - B) Issuance of a Beach Event Permit shall not be construed as imposing any liability on the Board of Trustees for any personal injury or property damage which may be sustained by any person attending the event. Issuance of a Beach Event Permit shall not be construed as creating any duty owed by the Board of Trustees to any person attending the event.
 - C) Issuance of a Beach Event Permit shall not be construed as authorizing violations of any provision of the Town Code of the Town of Southampton or any applicable Village Code.

PERSONAL WATERCRAFT LIFT/FLOATS (07/07/10 mtg.)

The Trustees will allow lifts and floats for personal watercrafts – because a personal watercraft can't be docked as other boats, there are special concerns, especially the corrosion problem.

1. An **application** must be filed with the Trustees Office for each float/lift/hoist.
2. Copy of personal watercraft **registration** & **proof of residency** must be submitted with application.
3. If personal watercraft float/lift/hoist is to be attached to existing dock or bulkhead, a copy of the dock or bulkhead permit must be included with the application.

4. Location of a personal watercraft float/lift/hoist must be attached as close to the dock at the seaward end as possible but not extending past the seaward end. (A drawing showing location of float/lift/hoist must be included with application.)
5. A **\$250.00 application fee** will be charged for original processing and must be submitted each time permit is renewed.
6. The float/lift/hoist with the personal watercraft attached must not extend over the 10' set back from the extended property lines.
7. Each application for personal watercraft float/lift/hoist will be reviewed by the Trustees.
8. Maximum size **single** personal watercraft float will be **6' x 14'**. (No doubles allowed)
9. Personal watercraft floats will be considered part of the personal watercraft.
10. Personal watercraft float/lift/hoists are limited to two (2) at any residential dock. (The two (2) boat limit, includes personal watercrafts, and remains in effect)
11. Personal watercraft floats need at least 18" of water at MLW or hoist/lift will be required at the site.
12. Use of personal watercraft float/lift/hoists is **seasonal** in nature and may not have the PWC on it year round, only between April 1st and December 1st.
13. Each float/lift/hoist is limited to one (1) personal watercraft only. Floats may not be combined.
14. Personal watercraft float/lift/hoists permitted under this permit must be attached to the dock or bulkhead.
15. Permits must be renewed every three (3) years.
16. Float/lift/hoists must have the Trustee permit # and the PWC registration number in easy view, using a **contrasting color**. (You may use a display plate or plaque for this, if desired.)

EMERGENCY PERMITS / STORM DAMAGE / ICE DAMAGE:

- A) The Board should consider a 7-day permit process (expedited) for the repair of dock facilities in kind and in-place of a permitted structure. It will be at the Board's sole discretion and be regulated under site-specific conditions. Any additional proposed improvements will be considered a **new** application and be processed accordingly.
- B) **Minor repair work** (under 10%) may be done without filing for a new permit.
- C) Filing for Repairs of Storm Damaged Structures:
 - 1) Dock/Walkway/Stair Repair (Permit Issued Prior to 2002) – A new permit is required. Homeowner must submit the following:
 - a) A new application (must be received within 90 days of storm event)
 - b) A copy of old permit
 - c) Drawings to scale
 - d) Recent survey
 - e) Only **untreated** lumber is allowed to be used for any repairs or reconstruction (despite what previous permit stated.)
 - 2) Dock/Walkway/Stair Repair (Permit Issued After 2002) – Docks will be allowed to be repaired, without a new permit, only if homeowner submits a letter to the Board requesting permission to repair existing structure. The Trustees will send a letter of permission to the homeowner allowing reconstruction to be done. A new permit will **not** be issued.

Homeowner must submit the following:

- a) A letter requesting permission to repair existing permitted dock. (Must be received within 90 days of storm event.)
- b) A copy of the old permit
- c) Drawings to scale.
- d) Photographs of storm damaged structure.
- e) Only **untreated** lumber is allowed to be used for any repairs or reconstruction (despite what previous permit stated.)

3) Bulkhead Repair – A new permit is required.

Homeowners must submit the following:

- a) A new application (must be received within 90 days of storm event.)
- b) Drawings to scale.
- c) Photographs showing storm damage
- d) Updated survey (unless survey is under ten (10) years old).
- e) All bulkhead repairs must have a valid active permit.
- f) Only **untreated** lumber is allowed to be used for any repairs or reconstruction (despite what previous permit stated.)

DATED: FEBRUARY 2, 2015
BY ORDER OF
THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NY